# SENATE—*Wednesday, June 18, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Eternal Father, we rejoice that Thou hast brought us to this day of service in this place. Send Thy light into our inmost souls. Make our hearts a sanctuary wherein Thy spirit dwells. By Thy strength enable us to keep our minds keen, our thinking straight and true, our emotions under Thy control, our wills under Thy discipline, having in remembrance Him whose meet it was to do the will of Him who sent Him, and in whose name we pray. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 17, 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 and withdrawing a nomination were communicated to the Senate by Mr. Leonard, 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, and withdrawing the nomination of Lt. Gen. William Beehler Bunker, Army of the United States (major general, U.S. Army) to be placed on the retired list in the grade of lieutenant general, which nominating messages were referred to the Committee on Foreign Relations.

(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 the nominations on the Executive Calendar, beginning with "New Reports."

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with "New Reports."

## POST OFFICE

The bill clerk read the nomination of Harold F. Faught, of Pennsylvania, to be an Assistant Postmaster General.

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

## SECURITIES AND EXCHANGE COMMISSION

The bill clerk read the nomination of James J. Needham, of New York, to be a member of the Securities and Exchange 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 these nominations.

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent 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.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 224 and 225.

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

## PROPOSED INTERNATIONAL CONFERENCE ON A PATENT COOPERATION TREATY

The joint resolution (S.J. Res. 90) to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 90

Whereas all countries issuing patents, and especially countries such as the United States having an examination system, deal with large and constantly growing numbers of patent applications of increasing complexity; and

Whereas in any one country a considerable number of patent applications duplicate or substantially duplicate applications relating to the same inventions in other countries, thereby increasing further the volume of applications to be processed; and

Whereas a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public, and government; and

Whereas a treaty for international patent cooperation providing a central filing, search and examination system should provide a practicable means of resolving the difficulties arising out of the duplications in the filing and examination of patent applications; and

Whereas governments concerned with international patent problems have spent a number of years in consultation and in the development of a draft treaty for international patent cooperation to alleviate these problems: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State and the Secretary of Commerce, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold a diplomatic conference to negotiate a Patent Cooperation Treaty in Washington, District of Columbia, in fiscal year 1970.

SEC. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $175,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including without limitation personal services without regard to civil service and classification laws, except that no salary rate shall exceed the maximum rate payable under section 5332 of title 5, United States Code; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under section 5707 of title 5, United States Code; rent or lease of facilities in the District of Columbia or elsewhere by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

SEC. 3. The Secretary of State and the Secretary of Commerce, or either of them, are authorized to accept and use contributions of funds, property, services, and facilities for the purpose of organizing and holding such an international conference. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary of State or the Secretary of Commerce under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

SEC. 4. The head of any department, agency, or establishment of the United States is authorized on request, to assist with or without reimbursement the Department of State and the Department of Commerce in carrying out the functions herein authorized, including the furnishing of personnel and facilities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 91–233), explaining the purposes of the joint resolution.

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

PURPOSE

Senate Joint Resolution 90 authorizes the Secretary of State and the Secretary of Commerce, in consultation with other interested parties, to arrange to convene an international conference to negotiate a Patent Cooperation Treaty and further authorizes the appropriation of $175,000 for this purpose.

BACKGROUND

As a result of U.S. initiative, an international study to find means of simplifying the issuance of patents for any given invention in other countries was begun in 1966 and the drafting of a patent cooperation treaty started in 1967. According to the executive branch this process has now evolved to the point where it is feasible to plan an international conference in 1970 hopefully to conclude a final treaty on patent cooperation.

The executive branch feels that for a variety of reasons the United States should host this conference: (1) U.S. initiative started the process: (2) U.S. nationals file more patent applications abroad than the nationals of any other countries; and (3) the United States has not hosted a conference in the industrial property field since 1911. Moreover, it can be expected that the delegations of 40 to 45 countries, plus interested international intergovernmental and nongovernmental organizations will, while in the United States, spend an amount equal to or more than the $175,000 provided in Senate Joint Resolution 90, thus providing a balance-of-payments benefit to the United States.

For the budgetary reasons, it has become the practice of the Department of State to request special legislation in the case of major diplomatic conferences to be hosted by the United States, rather than funding these from its appropriation for international conferences and contingencies. Precedents, together with the amounts authorized, include the 11th World Health Assembly, 1958, ($400,000), the Fifth NATO Parliamentarians Conference, 1959 ($100,000), the World Food Congress, 1963 ($300,000), the 22d World Health Assembly, 1969 ($500,000), and the Water for Peace Conference, 1967 ($900,000).

The text of Senate Joint Resolution 90 corresponds to that of Public Law 89–799 which authorized the Water for Peace Conference.

COMMITTEE ACTION AND RECOMMENDATION

The proposed legislation was submitted by the Department of State by letter dated January 16, 1969, and referred to the Committee on Foreign Relations on January 21. On March 17 a further letter was received reaffirming the Department's interest in this legislation and accordingly it was introduced by Senator Fulbright (by request) on April 3.

On May 27, the committee held a public hearing which is printed in the appendix for the information of the Senate. Representatives of the Departments of State and Commerce were witnesses supporting the resolution. One witness, Mr. Leonard J. Robbins, speaking for himself, appeared in opposition to the proposed treaty and therefore the conference. The committee also received favorable communications from Senator John L. McClellan, chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Judiciary Committee and from the Chamber of Commerce of the United States.

On June 10, after considering the testimony, the committee ordered Senate Joint Resolution 90 reported favorably to the Senate. The committee stresses that the Senate is not being asked to pass on the draft treaty at this time. No draft treaty is before the Senate. If a treaty should be concluded at the proposed conference it will come before the Senate in due course and will then be judged on its own merits. All that is involved in Senate Joint Resolution 90 is to provide the authority to host a conference on this question. The committee was told that such a conference would take place in any case, whether the United States hosted it or not. The committee found the reasons advanced by the executive branch for having the conference in the United States valid and recommends that the Senate pass Senate Joint Resolution 90 at an early date.

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## FEDERAL GOVERNMENT'S PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN UNITED STATES

The bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 856

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

FEDERAL RECOGNITION

SEC. 2. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

FEDERAL PARTICIPATION

SEC. 3. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

ESTABLISHMENT AND PUBLICATION OF STANDARDS AND CRITERIA

SEC. 4. (a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2(a)(1) and section 3(a) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89–685 is hereby repealed.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–234), explaining the purposes of the bill.

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

MAIN PURPOSE

The main purpose of the bill is to establish an orderly procedure by which the Federal Government determines its endorsement of and participation in international expositions to be held within the United States. To that end, the bill calls on the President to make certain findings upon which to base official recognition of a domestically proposed international exposition and, after such recognition, to submit to Congress such proposals as may be considered appropriate for Federal participation. Actual participation in any exposition can be authorized only by the Congress.

To a considerable extent, the bill consists of provisions previously included by Congress in acts authorizing Federal participation in individual international expositions.

BACKGROUND

The need to develop a uniform approach to international expositions held in the United States developed in the late 1950's when a number of communities—frequently on a competitive basis—proposed to stage such events and the demands for Federal recognition and participation multiplied. As early as 1959, the Committee on Foreign Relations reported a resolution which proposed a study to determine, among other things, whether the United States should consider membership in the Bureau of International Expositions (BIE). Since that time, the U.S. Congress has authorized Federal participation in the following so-called international expositions in the United States: Century 21, Seattle, 1962 ($9,900,000); New York World's Fair, 1963–64 ($17,000,000); San Antonio HemisFair, 1968 ($6,750,000); and Interama, Miami, continuing ($5,870,000). In addition, U.S. participation in Expo 67 at Montreal was funded at $9,300,000 and the Osaka (Japan) Expo 70 is funded at $10,000,000.

The frequency and costs of such major international undertakings led the committee chairman in 1965 to initiate correspondence with the Bureau of the Budget concerning the desirability of laying ground rules for U.S. participation in, and endorsement of, such ventures. S. 856 is largely a result of this initiative.

The first step toward developing a national policy in this field was taken last year when, after review, the executive branch recommended and the Senate approved U.S. accession to the 1928 convention establishing the Bureau of International Expositions (BIE). The convention divides international expositions into different categories and kinds and applies a table of frequency to each. Parties to it are prohibited from participating in an international exposition unless it is sanctioned by the BIE.

There remained the second step of domestic procedures and organization to deal with international expositions proposed to be held in the United States and S. 856 complements the international convention in this regard.

WHAT THE BILL DOES

S. 856 finds (*a*) that properly organized, financed and executed, international expositions can be important instruments of national policy; (*b*) that the national interest requires that Federal action with respect to such expositions should be given orderly consideration; and (*c*) that this can best be achieved by the development of uniform standards, criteria, and procedures.

Section 2 concerns procedures for obtaining Federal recognition for a domestically proposed international exposition. The President is authorized to extend such recognition of proposals after receiving reports from the Commerce Department on financial and other support from the State and local officials and business and community leaders of the State and city involved, and from the State Department that such proposal is qualified for BIE registration. Upon making this finding, the President may present an official request to the BIE for registration, provide for fulfillment of the requirements of the BIE convention, and extend official invitations to foreign and State governments to participate in the exposition.

Section 3 concerns Federal participation which cannot take place except with congressional authorization in each case.

The President in transmitting to the Congress any proposals for such participation is required to include in evidence that the requirements of section 2 have been met and that the exposition has been registered with the BIE. He is also to submit a plan for Federal participation prepared by the Commerce Department in cooperation with other interested departments and agencies of the Federal Government. This plan shall give due consideration to the possibility of constructing a Federal pavilion of a permanent nature. In this event the Government should be deeded a satisfactory site in fee simple, and free of liens or other encumbrances.

Other sections of note are section 5, which authorizes the President to withdraw Federal recognition if he finds it inconsistent with the national interest and section 7, which repeals, as no longer required, the section of the HemisFair Act in which the Congress declared it to be the policy of the United States that, hereafter, U.S. participation shall not be authorized in any international fair, exposition, celebration or other international exhibition proposed to be held in the United States unless such exhibition is registered in the first category by an established international organization.

Finally section 8 authorizes the appropriation of such sums as may be necessary to carry out the purposes of the act. The Department of Commerce estimates these expenses to range from $100,000 to $150,000 a year, not including the cost of major feasibility studies.

COMMITTEE ACTION

A draft of this legislation was considered by the Committee on Foreign Relations in 1968 in connection with its approval of the Convention on International Expositions. It was subsequently introduced by Senator Mansfield (by request) as S. 3737 but there was no opportunity to take action. The present legislation was submitted by the Secretary of Commerce on January 15, 1969, introduced by Senator Fulbright on February 4, and endorsed again by the Department of Commerce in a letter dated April 18. On May 5 the committee held a public hearing at which J. William Nelson, Director of the U.S. Expositions Staff, U.S. Department of Commerce, testified. His prepared statement together with supplemental information requested is printed in the appendix to this report. On June 10. 1969, the committee ordered S. 856 reported favorably to the Senate.

The committee knows of no opposition to this measure which has now been endorsed by two administrations.

In view of the approaching bicentennial of the United States and prospect of an international exposition being associated with it, the committee feels that there is some urgency in enacting S. 856 in order to enable the U.S. Government to deal intelligently with such proposals. Accordingly the committee recommends that the Senate take prompt and favorable action on S. 856.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning 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. 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.

Is there further morning business? If there is no further morning business, morning business is closed.

## EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program in Grand Rapids, Mich., under title IB of the Economic Opportunity Act of 1964, Department of Labor (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program administered for the Office of Economic Opportunity for the Pinal County Community Action Program, Inc., Coolidge, Ariz., Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF AUDIT OF THE NATIONAL SAFETY COUNCIL

A letter from the Office of the President, National Safety Council, transmitting, pursuant to law, a report of the audit of the financial transactions of the National Safety Council for the year 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON LEASE ARRANGEMENT PROSPECTUSES OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on prospectuses, which propose acquisition of space under a lease arrangement; to the Committee on Public Works.

REPORT ON REVISED PROSPECTUS WHICH PROPOSES CONSTRUCTION OF THE FEDERAL BUREAU OF INVESTIGATION ACADEMY, QUANTICO, VA.

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on a revised prospectus which proposes construction of the Federal Bureau of Investigation Academy at Quantico, Va. (with accompanying papers); to the Committee on Public Works.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen;

S. 1531. An act for the relief of Chi Jen Feng; and

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mrs. SMITH, from the Committee on Aeronautical and Space Sciences:

William A. Anders, of California, to be Executive Secretary of the National Aeronautics and Space Council.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Carlos Garcia Camacho, of Guam, to be Governor of Guam; and

Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

By Mr. LONG, from the Committee on Finance:

K. Martin Worthy, of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

William Henry Harrison, of Wyoming, to be a member of the Renegotiation Board;

William Scholl Whitehead, of Virginia, to be a member of the Renegotiation Board;

Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs; and

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony J. P. Farris, of Texas, to be U.S. attorney for the southern district of Texas;

Charles E. Robinson, of Washington, to be U.S. marshal for the western district of Washington;

Doroteo R. Baca, of New Mexico, to be U.S. marshal for the district of New Mexico;

Thomas F. Turley, Jr., of Tennessee, to be U.S. attorney for the western district of Tennessee;

Royal K. Buttars, of Utah, to be U.S. marshal for the district of Utah;

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island;

David J. Cannon, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin;

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington;

George Harrold Carswell, of Florida, to be U.S. circuit judge for the fifth circuit;

Donald E. Lane, of the District of Columbia, to be associate judge, U.S. Court of Customs and Patent Appeals;

Seagal V. Wheatley, of Texas, to be U.S. attorney for the western district of Texas;

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee;

Otis L. Packwood, of Montana, to be U.S. attorney for the district of Montana;

J. Pat Madrid, of Arizona, to be U.S. marshal for the district of Arizona;

George L. Tennyson, of South Dakota, to be U.S. marshal for the district of South Dakota;

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware; and

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont.

By Mr. DIRKSEN, from the Committee on the Judiciary:

John C. Meiszner, of Illinois, to be U.S. marshal for the northern district of Illinois.

By Mr. DODD, from the Committee on the Judiciary:

Gaetano A. Russo, Jr., of Connecticut, to be U.S. marshal for the District of Connecticut; and

David W. Williams, of California, to be U.S. district judge for the central district of California.

## 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 board of directors of the National Rifle Association of America, supporting sound policies and practices for our public forest lands; to the Committee on Agriculture and Forestry.

A resolution adopted by the board of directors of the National Rifle Association of America, urging passage of H.R. 1048 and S. 670, dealing with the hunter safety program; to the Committee on Commerce.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 632. A bill for the relief of Raymond C. Melvin (Rept. No. 91–238).

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

S. 1932. A bill for the relief of Arthur Rike (Rept. No. 91–239); and

S.J. Res. 88. A joint resolution to create a commission to study the bankruptcy laws of the United States (Rept. No. 91–240).

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

S. Con. Res. 17. A concurrent resolution to recognize the 10th anniversary of the opening of the St. Lawrence Seaway (Rept. No. 91–241);

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Educational Association of the United States," approved June 30, 1906 (34 Stat. 804) (Rept. No. 91–242); and

H. Con. Res. 114. A concurrent resolution commemorating the 20th anniversary of Dartmouth College (Rept. No. 91–243).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 2416. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–244).

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

S. 152. A bill for the relief of Dr. Joaquin Juan Valentin Fernandez (Rept. No. 91–246);

S. 1087. A bill for the relief of Vernon Louis Hobert (Rept. No. 91–247);

S. 1704. A bill for the relief of Lillian Biazzo (Rept. No. 91–248);

H.R. 1437. A bill for the relief of Cosmina Ruggiero (Rept. No. 91–252);

H.R. 1939. A bill for the relief of Mrs. Marjorie J. Hottenroth (Rept. No. 91–253);

H.R. 1960. A bill for the relief of Mario Santos Gomes (Rept. No. 91–254);

H.R. 2005. A bill for the relief of Lourdes M. Arrant (Rept. No. 91–255);

H.R. 5136. A bill for the relief of George Tilson Weed (Rept. No. 91–256); and

H.R. 6607. A bill to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss (Rept. No. 91–257).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 690. A bill for the relief of Chong Phil Lee (Rept. No. 91–249);

H.R. 1632. A bill for the relief of Romeo da la Torre Sanano and his sister, Julieta de la Torre Sanano (Rept. No. 91–258); and

H.R. 2336. A bill for the relief of Adela Kaczmarski (Rept. No. 91–259).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1128. A bill for the relief of Chong Suk Stroisch (Rept. No. 91–250); and

S. 1677. A bill for the relief of Augusto G. Usategui, doctor of medicine (Rept. No. 91–251).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 853. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes (Rept. No. 91–260).

## AUTHORIZATION FOR EXPENDITURE FROM CONTINGENT FUND OF THE SENATE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 212); which was referred to the Committee on Rules and Administration:

S. RES. 212

*Resolved*, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the 91st Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

## SENATE CONCURRENT RESOLUTION 33—FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS (REPT. NO. 91–245)

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens, and submitted a report thereon, which report was ordered to be printed, and the concurrent resolution was placed on the calendar, as follows:

S. CON. RES. 33

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

[redacted], Berger, Harry.
[redacted], Ma, Yiu Kay.
[redacted], Pung, Wone.
[redacted], Alcala-Salcedo, Apolinario.
[redacted], Bader, Louis William.
[redacted], Barrera-Cabrera, Jesus.
[redacted], Bergh, Christian Herman.
[redacted], Abrams, Samuel S.
[redacted], Candanoza-Leza, Rogelio.
[redacted], Kalogres, Atanasios.
[redacted], Klingbeil, Bernard Michael.
[redacted], Lum, Mee.
[redacted], Martinez-Venegas, Pedro.
[redacted], Rojo-Estrada, Ramon.
[redacted], Tercero-Flores, Manuel.
[redacted], Lai, Sung Wong.
[redacted], Wong, Kim Taw.
[redacted], Chin, Goon You.
[redacted], Papuzynski, Walter John.
[redacted], Tahir, Ahmed.
[redacted], Rodriguez, Jose Roman.
[redacted], Soares, Jacintho Perreira.
[redacted], Wong, Harry.

## BILLS INTRODUCED

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

By Mr. FONG:

S. 2429. A bill for the relief of Levani D. Damuni;

S. 2430. A bill for the relief of Felipe Cardinas Mejia;

S. 2431. A bill for the relief of Hoon Kyubyuk Kiem; and

S. 2432. A bill for the relief of Lucilo Mejia Bolaoen; to the Committee on the Judiciary.

By Mr. DODD:

S. 2433. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a certification for the possession of firearms, and for other purposes; and

S. 2434. A bill for the relief of Giuseppe Comparato, Grazia Comparato, Angelo Comparato, Giancarlo Comparato, Giuseppina Comparato; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced the bill (S. 2433) appear later in the RECORD under the appropriate heading.)

By Mr. COTTON:

S. 2435. A bill for the relief of Theresa de Jesus Martins; and

S. 2436. A bill for the relief of Maria Isabel Amorim; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2437. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, 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. MAGNUSON:

S. 2438. A bill to exempt from the interest equalization tax certain acquisitions made before the enactment of the Interest Equalization Tax Act; to the Committee on Finance; and

S. 2439. A bill for the relief of Tait Stevedoring Co., Inc.; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2440. A bill to amend and expand the veterans' direct home loan program under section 1811 of title 38, United States Code; to the Committee on Banking and Currency.

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

By Mr. SCHWEIKER:

S. 2441. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S. 2442. A bill for the relief of Dr. Lombardo Santiago; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2443. A bill for the relief of Dr. Silvio Mejia Millan; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2444. A bill for the relief of Elizabeth C. Cruz; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2445. A bill for the relief of Michael, Miriam, Ronit, Amir, and Zohar Chen; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. GURNEY, Mr. KENNEDY, and Mr. MCINTYRE):

S. 2446. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods of minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Labor and Public Welfare (by unanimous consent); and, if and when reported, to the Committee on Commerce, if so desired.

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

By Mr. MILLER:

S. 2447. A bill for the relief of Diane Lynn Maas and Paul Francis Maas; to the Committee on the Judiciary.

## S. 2437—INTRODUCTION OF THE AVIATION FACILITIES EXPANSION ACT OF 1969

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Transportation. I am introducing, for myself and Mr. COTTON, a bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

I ask unanimous consent that the letter of transmittal, the section-by-section analysis of the bill, and the summary be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter of transmittal, section-by-section analysis, and summary will be printed in the RECORD.

The bill (S. 2437), to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, introduced by Mr. MAGNUSON (for himself and Mr. COTTON) (by request), was received, read twice by its title, and referred to the Committee on Commerce.

The material presented by Mr. MAGNUSON follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., June 16, 1969.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes", together with analyses.

The proposed Aviation Facilities Expansion Act of 1969 would carry out the program recommended by the President in his message to the Congress for a major expansion of the Federal programs for airport and airway development. It would express the Federal Government's commitment to a ten-year airway facilities program of $2.5 billion, and a ten-year ariport grant-in-aid program of $2.5 billion.

To support the expanded program level, the bill would establish a Designated Account in the Treasury financed principally from revenues derived from existing and proposed aviation fuel, air passenger, and air cargo taxes.

The bill would repeal the Federal Airport Act but reenact its substance in title II. It would authorize a total of $1.25 billion in Federal aid for airport planning and development over the next five years—$180 million in fiscal 1970, $220 million in fiscal 1971, and not to exceed a total of $850 million for the three fiscal years 1972, 1973, and 1974.

The proposed program of $180 million for fiscal year 1970 would be distributed as follows:

$140 million for grants to airports serving both air carriers and general aviation, $35 million of which would be set aside for airports located in areas designated by the Civil Aeronautics Board as large hubs.

$25 million in grants to aid in the development of airfields used solely by general aviation.

$10 million in grants to planning agencies to assist them in conducting airport systems planning.

$5 million for grants to states to carry on airport planning and development activities.

The scope of Federal airport planning would be broadened to include terminal area requirements as well as projects eligible for grants-in-aid. The new National Airport System Plan would provide a ten-year projection and be revised at least once every two years.

Airport terminal buildings are a responsibility of local airport authorities, and the bill suggests ways in which those authorities can meet that responsibility.

The burden of financing future air transportation facilities should not be borne by the general taxpayer. The users of the system should assume that responsibility since they are the direct beneficiaries. Accordingly, title III of the bill would establish a revised and expanded schedule of taxes as follows, the revenues from which would be placed in the Designated Account and used only to defray costs incurred in the airport and airway programs:

A tax of eight percent on airline tickets for most domestic flights, an increase of three percent over the existing tax;

A new tax of $3 on passenger tickets for most international flights beginning in the United States, including flights to and from Alaska and Hawaii;

A new tax of five percent on air freight waybills; and

A tax of nine cents a gallon on fuels used by general aviation, in lieu of the present effective tax of 2 cents per gallon on gasoline.

This new tax schedule would generate about $569 million in revenues in fiscal year 1970, compared with the revenues of $295 million under existing taxes.

It is anticipated that revenues obtained from the proposed aviation user taxes would have to be supplemented by appropriations from the general fund of the Treasury. That supplement would amount to about $600 million in fiscal year 1970, and thereafter would decrease steadily as the growth of aviation produces increased revenues from the user taxes. Appropriations from the general fund would always be necessary to pay the costs of the airway system attributable to military use.

Finally, the bill would require the Secretary of Transportation to complete within two years a study of appropriate methods for allocating the costs of the airport and airway system among the users of the system.

In submitting this legislation, I wish to stress the views of the President, as stated in his message, that the revenue and expenditure programs are mutually dependent, and that prudent fiscal management requires that we increase revenues concurrently with any action to authorize expenditures.

I urge early and favorable consideration of these proposals. The Bureau of the Budget has advised the enactment of this legislation would be in accord with the President's program.

Sincerely,

JOHN A. VOLPE,
*Secretary of Transportation.*

SECTION-BY-SECTION ANALYSIS S. 2437

Sec. 1. *Short Title.* This section cites the Act as the "Aviation Facilities Expansion Act of 1969."

Sec. 2. *Declaration of Policy.* This section sets forth the finding of Congress that the

Nation's airport and airway system is inadequate to meet current and projected growth in aviation; that the civil users of air transportation are capable of making a greater contribution to the expansion and improvement of the system through the payment of increased user taxes; that airports should consider passenger charges as a means of financing the development of terminal area facilities; and that for fiscal years 1970 through 1979, the annual obligational authority for airways expansion and improvement should be no less than $250,000,000, and that the total obligational authority for airport assistance through fiscal year 1979 should be $2,500,000,000.

TITLE I—AIRPORT AND AIRWAYS FINANCING

Sec. 101. *Establishment and Administration of Designated Account.* This section establishes in the United States Treasury an airport and airways designated account from which funds are to be made available, as provided by appropriation acts, for meeting obligations of the Federal Government incurred under the grant programs for airport planning and airport development established by Title II of the Act, and obligations incurred under the Federal Aviation Act of 1958 relating to the acquisition, establishment, improvement, maintenance and operation of the Federal airways system. It appropriates to the account amounts equivalent to air transportation and aviation fuel taxes revised in Title III which would go into effect on July 1, 1969. It also provides for the appropriation to the account of such additional sums as may be required to make expenditures for the purposes for which the account is established.

Sec. 102. *Highway Trust Fund.* This section amends the highway trust fund provisions in section 209 of the Highway Revenue Act of 1956. Subparagraphs (A) of sections 209(c)(1) and (3) of the Highway Revenue Act presently provide for the transfer to the highway trust fund of taxes collected under sections 4041 (taxes on diesel fuels and special fuels) and 4081 (tax on gasoline) of the Internal Revenue Code. Under the amendment in section 102, taxes on the sale or use of special fuels in motor vehicles or motorboats imposed by section 4041 of the Code, and taxes on the sale or use of gasoline under section 4081 which is not used in aircraft would continue to be transferred to the highway trust fund. However, in recognition of the cost of Federal expenditures for airport development and the operation of the airway system, the amendment adds a new paragraph (5) to section 209(c) of the Highway Revenue Act to provide for the exclusion from the highway trust fund of taxes transferred to the airport and airways designated account under section 101 of this Act.

Sec. 103. *Cost Allocation Study.* This section requires the Secretary of Transportation to complete within two years a study and report respecting the appropriate method for allocating the cost of the airport and airway system among the various users.

TITLE II—AIRPORT DEVELOPMENT

Sec. 201. *Definitions.* This section contains definitions of seventeen different terms used in Title II of the Act.

Sec. 202. *National Airport System Plan.* This section directs the Secretary to publish within two years of the date of enactment of the Act, and to revise thereafter at least once every two years, a National Airport System Plan setting forth, for at least a ten year period, the airport development necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense, and to meet special needs of the postal service. It directs the Secretary in formulating the Plan to consult with the Civil Aeronautics Board, the Post Office Department, the Federal Communications Commission, the Department of Defense, the Secretary of the Interior, the Federal Power Commission, and other Federal agencies as appropriate, and with State agencies and comprehensive planning agencies, and with airport operators, air carriers, and others in the aviation industry.

Sec. 203. *Planning Grants.* This section authorizes the Secretary to make grants for airport system planning to areawide planning agencies designated pursuant to the provisions of section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966, and to any public agency for planning with respect to the development of a specific airport. The bill contemplates the establishment of a five-year program. The total funds obligated for the planning grant program could not exceed $50,000,000. The total funds obligated in any one fiscal year could not exceed $10,000,000, and no grant could exceed two-thirds of the cost incurred in the accomplishment of the project. No more than 10 percent of the funds available for planning grants in any one fiscal year could be allocated for projects within a single state. The Secretary and the Secretary of Housing and Urban Development are directed to develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

Sec. 204. *Federal-aid Airport Program.* This section authorizes the Secretary, within the limits established in appropriation acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not to exceed the following:

$140 million in fiscal year 1970 and $180 million in fiscal year 1971 for developing airports served by air carriers certificated by the Civil Aeronautics Board, and for developing airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation.

$25 million in each of the fiscal years 1970 and 1971 for developing airports serving aviation other than air carriers certificated by the CAB.

$805 million for the period fiscal years 1972 through 1974 for both programs referred to above.

Sec. 205. *Distribution of Funds, State Apportionment.* Subsection (a)(1) of section 205 provides for the apportionment each year of funds made available in fiscal years 1970 and 1971 for air carrier and reliever airports as follows:

$67.9 million for fiscal year 1970, and $87.3 million for fiscal year 1971, to the states in accordance with the area-population formula presently used in the administration of the Federal Airport Act.

$2.1 million for fiscal year 1970, and $2.7 million for fiscal year 1971 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 for airports located in areas the CAB designates as large hubs (distributed on the basis of the number of passengers enplaned in each large hub).

$35 million for fiscal year 1970 and $45 million for fiscal year 1971 to be distributed at the discretion of the Secretary.

Subsection (a)(2) of section 205 provides for the apportionment each year of funds made available in fiscal years 1970 and 1971 for airports serving segments of aviation other than CAB certificated air carriers as follows:

$18,375,000 to the states in accordance with the area-population formula referred to above.

$375,000 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$6,250,000 to be distributed at the discretion of the Secretary.

Subsection (a)(3) of section 205 provides for the apportionment of amounts appropriated for making grants for airport development in fiscal years 1972, 1973, and 1974 as subsequently prescribed by Congress. Subsection (a)(3) also provides that if amounts made available for apportionment in 1970 or 1971 are less than the amounts stated in paragraphs (1) and (2) of section 205(a), the amounts available shall be apportioned in accordance with the ratios indicated in those paragraphs for the particular year in question.

Section 205 further provides that amounts apportioned to a state or large hub area are to be available to that particular state or hub area for a period of two fiscal years, only for projects applicable to that particular state or hub area. If, after the two years elapse, a portion of such an amount remains unobligated, it is added to a fund comprised of the amounts authorized by section 205(a) to be distributed at the discretion of the Secretary. Except in the case of certain projects sponsored by the United States, however, the Secretary may use amounts placed in the discretionary fund only in accordance with the general purposes for which they originally were appropriated (air carrier airports, hub area airports, etc.).

Sec. 206. *Submission and Approval of Projects for Airport Development.* This section set forth guidelines and procedures for the submission and approval of projects for airport development. Project applications may not propose airport development not included in the current National Airport System Plan. Also, all proposed development is to be in accordance with technical standards issued by the Secretary. Before he approves a project, the Secretary must be satisfied that certain project sponsorship requirements have been or will be met, that the project includes provision, as appropriate, for the installation of landing aids specified in section 207(d), and that fair consideration has been given to the interests of communities in or near which the project may be located. No airport development project involving the location of an airport, airport runway, or runway extension is to be approved unless the sponsor certifies to the Secretary that it has held public hearings, or afforded the opportunity for such hearings, for the purpose of considering the economic, social and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

Sec. 207. *United States Share of Project Costs.* This section establishes a general rule that the United States share payable on account of any approved airport development project submitted under section 206 shall not exceed 50 percent of the allowable project costs. An increased share (no greater than 75 percent) is allowable in the case of a project in a state containing unappropriated and unreserved public lands or nontaxable Indian lands, a project in the Virgin Islands, or elements of a project such as the installation of certain lighting systems used in aid of aircraft navigation and land required for approach light systems.

Sec. 208. *Project Sponsorship.* This section requires that the Secretary receive a number of assurances prior to his approving a project for airport development. They are designed to assure, among other things, that airports to which a project relates will be available for public use on fair and reasonable terms without unjust discrimination, and will be suitably operated and maintained. Also requirements are included respecting project accounts and records, a fee structure for facilities and services provided to airport users, the removal or mitigation of airport hazards, and the availability of airport facilities for certain use by military aircraft and areas on the airport for use in connection with air traffic control activities conducted by the Federal Government.

Sec. 209. *Grant Agreements.* This section prescribes procedures pertaining to the consummation of grant agreements which are

to be followed by the Secretary subsequent to the approval of a project application for airport development.

Sec. 210. *Allowable Project Cost.* This section sets forth the elements of a project for airport development toward which the Secretary may not devote amounts appropriated to carry out the provisions of the grant-in-aid program established in section 204. Among those project costs not allowed are the costs of construction of that part of an airport intended for use as a public parking facility for passenger automobiles, and the costs of construction of any part of a hangar or of any part of an airport building, except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport. A project cost is to be allowable only if it is a necessary cost and, in most instances, only if it is incurred subsequent to the execution of the agreement to provide financial assistance, and in connection with airport development accomplished after the execution of the agreement. The allowable costs of a project may include any necessary costs of formulating the project not included in a project authorized under section 203, including costs of acquiring land, which were incurred subsequent to May 13, 1946 (the date of enactment of the Federal Airport Act).

Sec. 211. *Payments.* This section prescribes guidelines to be followed by the Secretary in making payments under the terms of a grant agreement for airport development. It includes guidelines respecting payments to be made in advance of the accomplishment of the airport development to which the payments relate and the recovery of such part of such advance payments for which the United States receives no benefit due to a failure to complete a project or to accomplish the airport development within a reasonable time.

SEC. 212. *State Agencies.* This section authorizes the Secretary to make grants to agencies designated by the states for the purpose of assisting those agencies in carrying out state programs for airport planning and development. A five-year grant program is contemplated. The total funds obligated for such grants could not exceed $25 million. The total funds obligated in any one fiscal year could not exceed $5 million. To be eligible to receive a grant, a state agency must be empowered to acquire property necessary to establish or develop airports, prepare a statewide airport system plan, undertake airport development or provide financial assistance for carrying out such development to public agencies within the state, and disburse to sponsors within the state payments made pursuant to agreement under section 209. Funds available each fiscal year for the purpose of making such grants would be apportioned among the states in accordance with an allocation formula based on state population and area. Amounts apportioned to a state which are not obligated by grant agreements at the expiration of the fiscal year for which it was apportioned, would be added to the discretionary fund established by section 205(b) and be available for use for the purposes stated in section 204(1) (grants for the development of airports served by CAB certificated air carriers and "reliever" airports).

No more than $80,000 of the funds made available to any one state in any fiscal year could be used for administrative expenses. For the purpose of section 212, the term "state" is defined to include Puerto Rico, the Virgin Islands, and Guam, as well as the several states and the District of Columbia. The provisions of the section would not apply, however, with respect to any project for airport development submitted by an agency of the United States Government.

Sec. 213. *Performance of Construction Work.* Under this section construction work on any approved project for airport development would be subject to inspection and approval by the Secretary in accordance with regulations prescribed by him. Also, all contracts in excess of $2,000 for work on projects for airport development approved under the Act which involve labor would be required to contain provisions establishing minimum rates of wages as predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Sec. 214. *Use of Government-Owned Lands.* Under this section, the Secretary may request the head of any Federal agency having control over lands reasonably necessary for carrying out a project for airport development under the Act, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the National Airport System Plan, to convey such property interests therein to the public agency sponsoring the project in question or owning or controlling the airport. The agency head receiving such a request, upon determining that the request conveyance is not inconsistent with the needs of his agency, is required, with the approval of the President and the Attorney General, to execute any instruments necessary to make the requested conveyance. At the option of the Secretary, property so conveyed is to revert to the United States in the event it is not developed for airport purposes or used in a manner consistent with the terms of the conveyance. In a case where only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyances, only that particular part shall, at the option of the Secretary, revert to the United States.

Sec. 215. *Reports to Congress.* This section requires the Secretary to make annually a report to the Congress describing his operations under Title II of the Act during the preceding fiscal year.

Sec. 216. *False Statements.* This section makes it a felony to make, with the intent to defraud the United States, false statements, representations, or reports in connection with certain matters respecting project applications or projects approved by the Secretary.

Sec. 217. *Access to Records.* This section authorizes the Secretary to establish record-keeping requirements applicable to recipients of grants under the Act, and provides that the Secretary and the Comptroller General shall have access for the purpose of audit and examination to books and records of recipients that are pertinent to grants received under the Act.

Sec. 218. *General Powers.* This section empowers the Secretary to issue such orders, make such regulations, conduct such hearings and investigations, and perform such other acts, consistent with the provisions of Title II, as he deems necessary to carry out his powers and duties under Title II.

TITLE III—USER CHARGES

Sec. 301. *Amendment of 1954 Code.* This section provides that references in Title III of the bill to amended sections or other provisions are to sections or other provisions of the Internal Revenue Code of 1954.

Sec. 302. *Tax on Aviation Fuel.* This section amends section 4041 of the Internal Revenue Code (relating to tax on special fuels).

*Present law.* Under present law a tax of 4 cents a gallon is imposed on special motor fuels (such as benzol, benzene, etc.) sold for use or used as a fuel for the propulsion of a registered highway motor vehicle. Special motor fuels sold for use or used for the propulsion of a motorboat, airplane or motor vehicle (other than a registered highway vehicle) are taxed at the rate of 2 cents a gallon. No tax is imposed on certain designated fuels such as kerosene (jet airplane fuel).

The amendments made by section 302 of the bill are designed to change the rate of tax applicable to the use of fuel in airplanes. Section 4041 is reorganized by adding a new subsection (c) which deals with the taxation of fuels used in certain aircraft.

*Noncommercial Aviation.* The new subsection (c) of section 4041 imposes a tax on fuel sold for use or used in an aircraft in noncommercial aviation.

Paragraph (1) of section 4041(c) imposes a tax on any liquid (other than gasoline) at the rate specified in paragraph (2) sold for use or used as a fuel in an aircraft, if the aircraft is used in noncommercial aviation. Under present law, special motor fuels are taxed at the rate of 2 cents a gallon if sold for use in any aircraft, whether the aircraft is used in commercial or noncommercial aviation. Moreover, under present law, no tax is imposed on kerosene (jet fuel), gas, oil, and fuel oil sold for use or used in airplanes. Under Title III, all liquids, including kerosene, etc., would be taxable if sold for use or used in noncommercial aviation. No tax would apply to special fuels sold for use or used in commercial aviation and the tax on gasoline used in commercial aviation would be refunded, since separate user charges are imposed on commercial aviation under section 303 of this bill which increases the present tax on air fares and imposes a new tax on air freight charges.

Paragraph (2) of section 4041(s) specifies the rate of tax imposed on all liquids (other than gasoline) sold for use or used as a fuel in an aircraft used in noncommercial aviation. The rate of tax is 7 cents a gallon for the period July 1, 1969, through June 30, 1979.

Paragraph (3) of section 4041(c) imposes an additional tax at the rate specified in paragraph (4) on gasoline sold for use or used as a fuel in an aircraft, if the aircraft is used in noncommercial aviation. Section 4081 now provides for a 4-cent-a-gallon tax on the sale of gasoline by the producer or importer. This additional tax on gasoline used in noncommercial aviation will result in the same rate of tax per gallon imposed on gasoline as the rate of tax on other fuels in noncommercial aviation.

Paragraph (4) specifies the rate of tax imposed by paragraph (3) on gasoline sold for use or used in noncommercial aviation. The rate of tax is established at 3 cents a gallon for the period July 1, 1969, through September 30, 1972, and at 5½ cents a gallon for the period October 1, 1972, through June 30, 1979. Thus, when added to the 4-cent-a-gallon tax on gasoline imposed by section 4081, which rate is scheduled to be lowered to 1½ cents after September 30, 1972, the rate of tax on gasoline used in noncommercial aviation will be the same per gallon as that imposed on all other fuels used in noncommercial aviation under paragraph (1).

Paragraph (5) of section 4041(c) defines the term "noncommercial aviation" for purposes of chapter 31 to mean any use of an aircraft other than by a person engaged in the business of transporting persons or property for compensation by air while in the course of such business. The term does not include the movement of aircraft for purposes of flight training or engineering tests by a person engaged in the business of transporting persons or property by air.

*Additional Tax.* Subsection (d) of section 4041 provides for the imposition of an additional tax if a liquid is subject to a tax at a higher rate on the actual use made of such liquid than the rate levied on its sale. This additional tax is equal to the difference between (a) the tax imposed on the sale of such liquid and (b) the tax payable at such higher rate on the use thereof.

*Rate Reduction.* Subsection (e) of section 4041 provides that on or after October 1, 1972, the taxes imposed on special fuels (including diesel fuel) sold for use or used in registered highway motor vehicles will be reduced from 4 cents a gallon to 1½ cents a gallon, and that the tax imposed on special fuels sold for use or used in nonregistered motor vehicles or motorboats will be reduced from 2 cents a gallon to 1½ cents a gallon.

Under existing law, a similar rate reduction is scheduled to take effect on the same date. Under present law the rate reduction would also apply to special fuels for aircraft. However, the conforming amendment removes airplanes from the sections affected by the rate reduction.

*Exemptions.* Subsections (f) and (g) provide for the same exemptions from the taxes on special fuels as are provided under present law.

*Farm Use.* Paragraph (1) of section 4041(f) provides that no tax shall be imposed under section 4041 on any liquid sold for use or used on a farm for farming purposes. This exemption applies with respect to all farm uses of special fuels whether used in a motor vehicle, aircraft, or motorboat.

Paragraph (2) of section 4041(f) continues the present definition of the term "use on a farm for farming purposes".

*Supplies for Vessels or Aircraft.* Subsection (g) provides that no tax is to be imposed under section 4041 on any liquid sold for use or used as supplies for vessels or aircraft, within the meaning of section 4221 (including the reciprocity provision of section 4221(e)(1)). In general, this exemption applies to military ships and planes, fishing vessels, and vessels engaged in foreign trade.

*Conforming and Technical Amendments.* Subsection (c) of section 302 of the bill makes a conforming amendment and a technical amendment to present subsection (b) of section 4041.

Paragraph (1) of subsection (b) amends code section 4041(b) by striking all references to "airplanes" to make it clear that a liquid sold for use, or used, in an airplane is not to be taxable under that subsection.

Under present law, the tax on special motor fuels applies to a liquid sold for use, or used, as a fuel "for the propulsion of" a motor vehicle, motorboat, or airplane. Section 302(b)(2) of the bill amends section 4041(b) of the code by deleting the phrase "for the propulsion of" and replacing it with the word "in". This change conforms section 4041(b) to the language of present section 4041(a), relating to tax on diesel fuel (sold for use or used in a diesel-powered highway vehicle) and to the proposed section 4041(c). This is not intended to be a substantive change from present law, since it conforms the statute to the interpretation given present sections 4041 (a) and (b) by existing Treasury regulations.

Sec. 303. *Amendment of Tax on Transportation of Persons by Air and Imposition of Tax on Transportation of Property by Air.* This section amends subchapter C of chapter 33 to increase the existing tax on air passenger fares, impose a new tax on certain transportation of persons by air which begins in the United States, and to impose a new tax on air freight charges. Section 303 divides subchapter C into two parts. Part I contains the taxes on transportation of persons by air and Part II contains the new tax on the transportation of property by air.

*Air Passenger Fares.* Subsection (a)(1) of section 303 of the bill makes two amendments to section 4261 (relating to imposition of tax). The first provides for a 3-percent increase in the existing tax on amounts paid for transportation of persons by air, thereby changing the rate of tax from 5 percent to 8 percent. The second amendment adds a new subsection (e) to section 4261 to impose a new tax on certain transportation of persons by air. The new tax is imposed at a flat rate of $3.00, and applies, in general, to transportation that presently is not subject to tax. It applies to most international flights beginning in the United States. It also applies to all flights between the contiguous United States and Hawaii, Alaska, or outlying possessions of the United States. The higher rate imposed by the first amendment and the new tax imposed by the second amendment applies, as appropriate, to transportation which begins after June 30, 1969, and before July 1, 1979. Thus, the increased rate and the new tax apply if the transportation begins after June 30, 1969, regardless of when the amounts for the transportation are paid.

Subsection (a)(2) of section 303 of the bill adds a new paragraph (4) to existing section 4262(c) (relating to definitions) to provide that the term "transportation" include layover or waiting time and movement of the aircraft in deadhead service. The purpose of this provision is to make clear that amounts paid for layover and waiting time and for the movement of the aircraft in deadhead service, whether or not stated or billed separately, are subject to tax.

Subsection (a)(3) of section 303 of the bill repeals the exemption from the tax on transportation of persons by air provided by present section 4263(d). That exemption currently applies to transportation by aircraft having a gross takeoff weight of less than 12,500 pounds and a passenger seating capacity of less than 10 adult passengers including the pilot, except when the aircraft is operated as a part of an established line. These carriers, as well as other air carriers, benefit from the Federal programs relating to airways and should bear their share of the costs.

Subsection (b) of section 303 of the bill adds new part II to chapter 33 to impose the new tax on the transportation of property by air. The tax under subsections (a) and (b) of section 4271 is imposed at the rate of 5 percent on amounts paid for transportation which begins after June 30, 1969, and before July 1, 1979.

Subsection (a) of section 4271 provides that the tax is applicable to amounts paid within or without the United States for transportation of property by air from one point in the United States to another.

Subsection (b) of section 4271 provides that, when property is transported from a point without the United States to a point within the United States, the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. Thus, amounts paid outside the United States for the transportation of property by air from a point without the United States to a point within the United States are not subject to tax. The determination of whether the amounts paid for transportation are paid within or without the United States will in general conform to the rules applicable to the tax on amounts paid for transportation of property by land, water, and air which was in effect prior to August 1, 1958, and the corresponding rules applicable to the present tax on transportation of persnos by air.

The tax imposed by subsections (a) and (b) of section 4271 applies only to amounts paid to a person engaged in the business of transporting property for hire by air.

Subsection (c) of section 4271 provides that payments for layover or waiting time or deadhead movement of an aircraft are taxable, whether or not separately stated or billed.

Subsection (d) of section 4271 provides that the tax imposed is to be paid by the person making the payment subject to tax.

Subsection (e) of section 4271 defines the term "person engaged in the business of transporting property for hire by air" to exclude freight forwarders, express companies, or similar persons, if such persons engage others to transport the property. Thus, if a shipper engages a freight forwarder to transport property, the tax is not levied on the payment by the shipper to the freight forwarder. It is imposed on the freight forwarder when he pays the carrier, and the tax is computed on the basis of the amount so paid.

Section 4272 provides for exemptions from the tax on amounts paid for transportation of property by air. Subsection (a) of section 4272 provides for an exemption with respect to amounts paid for the transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported or shipped. Movement is not continuous if in the course of such movement the property transported is processed, fabricated or similarly treated.

Subsection (b) of section 4272 provides that the tax on transportation of property by air shall not apply to amounts paid for transportation of property to or from an international organization, as defined in section 7701(a)(18), or the Red Cross.

Subsection (c) of section 303 makes a conforming change in the heading of subchapter C of Chapter 33 of the Internal Revenue Code of 1954 to incorporate the new tax on transportation of property by air.

Sec. 304. *Technical and Clerical Amendments.* Subsection (a) of this section amends section 6421(a) (relating to nonhighway use of gasoline) by adding a new sentence at the end thereof. This sentence provides that, in the case of gasoline used as fuel in commercial aviation after June 30, 1969, a full refund, instead of the present 50 percent refund, of the manufacturers tax imposed on such gasoline will be paid to the ultimate purchaser thereof.

Subsection (b) of section 304 of the bill amends section 6421(e) (relating to exempt sales) by adding a new paragraph (3) at the end thereof. This new paragraph provides that no refunds of gasoline tax will be made with respect to gasoline used in noncommercial aviation. This is necessary so that gasoline and special fuels used in noncommercial aviation will be taxed at the same rate.

Subsections (c), (d), and (e) of section 304 of the bill amend section 4292 (relating to State and local government exemption), section 4294(a) (relating to exemption for nonprofit educational organizations), and section 6415 (relating to credits or refunds to persons who collected certain taxes) to extend the provisions of such sections to the tax on the transportation of property by air imposed by section 303 of the bill.

Subsection (f) of section 304 of the bill makes a conforming amendment to subparagraph (A) of section 6416(a)(2) (relating to exceptions).

Subsection (g) of section 304 of the bill amends section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) as follows:

Paragraph (1) of subsection (g) amends section 6416(b)(2) to make a conforming change to continue the allowance of certain refunds with respect to taxes imposed on the sale of any special fuel under section 4041.

Paragraph (2) of subsection (g) amends subparagraph (G) of section 6416(b)(2). Subparagraph (G) of section 6416(b)(2) presently provides for credit or refund of tax paid on the sale of diesel fuel or special motor fuels if the vendee either resold the fuel, used it on a farm for farming purposes, or used it in other than a motor vehicle, motorboat, or airplane. Subparagraph (G), as amended, provides for a credit or refund of tax paid on the sale of a special fuel under section 4041, whether such sale occurred on, before, or after June 30, 1969, if the vendee either used such fuel for other than the use for which it was sold, resold such liquid, or used it on a farm for farming purposes. However, the credit or refund will not exceed the amount of the tax so paid less the tax applicable under section 4041 on the use actually made of such liquid on the date used.

Paragraph (3) of subsection (g) strikes out subparagraphs (I) and (J) of section 6416(b)(2), which provide special rules for determining the amount of overpayment, since they are no longer necessary in view of the amendment of subparagraph (G) of section 6416(b)(2), discussed above.

Paragraph (4) of subsection (g) makes a conforming change to subparagraph (M) of section 6416(b)(2), which provides for credit or refund of tax paid on the sale of gasoline

which is used or sold for use in the production of special fuels.

Subsection (h) of section 304 of the bill makes a conforming change to section 4082 (c) of the code, which permits a producer or importer of gasoline to use gasoline free of tax in the production of other gasoline or of special motor fuels.

Sec. 305. *Effective Dates.* This section sets forth the effective dates of the amendments and repeals contained in Title III of the bill.

Subsection (a) of section 305 of the bill provides that the amendments and repeals made by section 303 of the bill, relating to tax transportation by air, are to apply to amounts paid for in connection with such transportation which begins after June 30, 1969.

Subsection (b) of section 305 of the bill provides that the amendments and repeals made by Title III of the bill with respect to taxes on gasoline and special fuels are to apply to sales or uses thereof after June 30, 1969.

Subsection (c) of section 305 of the bill provides that all other amendments made by Title III of the bill are to take effect on July 1, 1969.

TITLE IV—MISCELLANEOUS

Sec. 401. *Procurement Procedures.* This section amends the Federal Aviation Act of 1958 to authorize the Secretary to negotiate without advertising purchases and contracts for technical or special property related to, or in support of, air navigation that he determines to require substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would likely result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property.

Sec. 402. *Repeal and Saving Provisions.* This section repeals the Federal Airport Act, but continues in effect all determinations, regulations, contracts, grants, and privileges issued, made, granted, or allowed to become effective under that Act.

SUMMARY OF S. 2437

1. DESIGNATED ACCOUNT

Establishes in the Treasury an airport and airways "designated account" (see section 101) from which funds are to be made available, as provided by appropriation acts, for meeting obligations incurred under the grant programs for airport planning and airport development established by Title II of the bill, and obligations incurred under the Federal Aviation Act relating to the planning, research and development, construction, operation, and maintenance of the Federal airway system. It appropriates to the account amounts obtained from the aviation user tax measures contained in Title III of the bill (see paragraph 10 below), and provides for the appropriation to the account of such additional sums as may be required to make expenditures for the purposes for which the account is established.

2. COST ALLOCATION STUDY

Requires the completion within two years of a study and report respecting the appropriate method for allocating the cost of the airport and airway system among the various users (see section 103).

3. AIRPORT SYSTEM PLANNING

Requires the Secretary (see section 202) to publish, and revise at least every two years, a plan setting forth for at least a ten-year period the type and estimated cost of airport development necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

4. AIRPORT PLANNING GRANTS

Authorizes the Secretary (see section 203) to make grants for airport system planning to areawide planning agencies designated under the Demonstration Cities and Metropolitan Development Act of 1966, and to any public agency for planning with respect to the development of a specific airport. In effect, the bill esttablishes a five-year program. The total funds obligated for the program could not exced $50 million, and the total funds obligated in any one fiscal year could not exceed $10 million. No grant could exceed two-thirds of the cost incurred in the accomplishment of the project.

5. FINANCIAL AID FOR AIRFIELD DEVELOPMENT

Authorizes the Secretary (see section 204) to make grants for airport development by grant agreements as follows:

$140 million in fiscal year 1970 and $180 million in fiscal year 1971 for developing airports served by air carriers certificated by the CAB and for developing "reliever" airports.

$25 million in each of the fiscal years 1970 and 1971 for developing airports serving aviation other than air carriers certificated by the CAB.

$805 million for the period fiscal years 1972 through 1974 for purposes set out in the above two items of this paragraph.

6. DISTRIBUTION OF FUNDS FOR AIRFIELD DEVELOPMENT

*a. Air carrier and reliever airport funds (fiscal years 1970 and 1971)*

Provides for distribution of the amounts set out in section 204 for air carrier and reliever airports as follows (see section 205(a)(1)):

$67.9 million for fiscal year 1970, and $87.3 million for fiscal year 1971 to the states in accordance with the area-population formula presently used in the administration of the Federal Airport Act.

$2.1 million for fiscal year 1970, and $2.7 million for fiscal year 1971 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 for airports located in areas the CAB designates as large hubs (distributed on the basis of the number of passengers enplaned in each large hub).

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 to be distributed at the discretion of the Secretary.

*b. General aviation airport funds (fiscal years 1970 and 1971)*

Provides for distribution of the $25 million for general aviation airports in each of the fiscal years 1970 and 1971 as follows (see section 205(a)(2)):

$18,375,000 to the states in accordance with the area-population formula referred to above.

$375,000 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$6,250,000 to be distributed at the discretion of the Secretary.

*c. Air carrier and general aviation airport funds (fiscal years 1972 through 1974)*

Provides for the apportionment of amounts appropriated for airport development grants for fiscal years 1972, 1973, and 1974 as subsequently provided by law (see section 205(a)(3)).

7. PROCEDURES FOR ADMINISTRATION OF GRANT PROGRAM FOR AIRPORT DEVELOPMENT

Continues in effect for the grant program for airport development nearly all of the procedures for administering the existing grant-in-aid program under the Federal Airport Act. Generally (see section 207), the United States share payable on account of any airport project could not exceed 50 percent of the allowable project costs.

8. GRANTS TO STATE AERONAUTICS AGENCIES

Authorizes the Secretary (see section 212) to make grants to agencies designated by the states for the purpose of assisting those agencies in carrying out state programs for airport planning and development. Participation by the states would be optional. Total funds obligated for such grants could not exceed $25 million, and the total funds obligated in any one fiscal year could not exceed $5 million. Grants would be apportioned to states in accordance with the area-population formula.

9. OTHER CHANGES TO THE EXISTING FEDERAL-AID AIRPORT PROGRAM

Makes Indian tribes eligible to receive financial assistance for airport development (see section 201(11)).

Includes in the definition of "airport development" (see section 201(2)) navigation aids used by aircraft taking off from, or landing at, a public airport.

Includes in the definition of "airport development" land needed for future airport development.

10. AVIATION USER TAXES

Establishes in Title III a new and revised schedule of aviation user taxes as follows:

Increases the existing passenger ticket tax from 5 percent to 8 percent; imposes a new tax of $3 on passenger tickets for most international flights beginning in the United States, and for flights between the contiguous 48 States and Hawaii, Alaska, or outlying possessions of the United States (see section 303(a)).

Imposes a new tax on air freight waybills of 5 percent (see section 303(b)).

Provides a full refund to air carriers of the four cents per gallon gasoline tax (see section 304(a)).

Increases the effective tax rate on gasoline used by general aviation from the present two cents per gallon to nine cents per gallon (see section 302(a)).

Imposes a new tax on other fuels used by general aviation of nine cents per gallon (see section 302(a)).

## ADDITIONAL COSPONSORS OF BILLS

S. 1075

Mr. ALLEN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Wisconsin (Mr. NELSON), the Senator from Colorado (Mr. ALLOTT), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oklahoma (Mr. BELLMON), and the Senator from New Mexico (Mr. ANDERSON) be added as cosponsors of the bill (S. 1075), to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

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

S. 1461

Mr. HRUSKA. Mr. President, at the request of the Senator from North Carolina (Mr. ERVIN), I ask unanimous consent that, at its next printing, the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of the bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

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

S. 1506

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of the bill (S. 1506), to provide for improvements in the administration of the courts of the United States, and for other purposes.

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

S. 1508, S. 1509, S. 1510, S. 1511, S. 1512, S. 1513, S. 1514, S. 1515, S. 1516

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at their next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bills (S. 1508, S. 1509, S. 1510, S. 1511, S. 1512, S. 1513, S. 1514, S. 1515, and S. 1516), a series of bills to provide for improvements in the administration of the courts of the United States.

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

S. 1942

Mr. COTTON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of the bill (S. 1942), to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years, of such expenditures.

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

S. 2116

Mr. AIKEN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Georgia (Mr. TALMADGE) and the Senator from Alabama (Mr. ALLEN) be added as cosponsors of the bill (S. 2116), to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes.

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

S. 2355

Mr. BURDICK. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Montana (Mr. METCALF), the Senator from Main (Mr. MUSKIE), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of the bill (S. 2355) to establish an advisory commission to make a study and report with respect to freight rates.

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 name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor 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.

S. 2391

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 2391), to provide for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration, and for other purposes.

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

S. 2393

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of the bill (S. 2393), to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves, and for other purposes.

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

## ADDITIONAL COSPONSOR OF RESOLUTION

S. RES. 211

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of the resolution (S. Res. 211), seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and all suspension of test flights of reentry vehicles.

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

## CIVIL SERVICE RETIREMENT CREDIT FOR AIR TRAFFIC CONTROLLERS—AMENDMENT

AMENDMENT NO. 45

Mr. MONTOYA. Mr. President, on March 20, 1969, I introduced a bill, S. 1610, to allow credit under the Civil Service Retirement Act to certain Federal employees for service in Federal-State cooperative programs in a State. I made extensive remarks at that time as to the need for this legislation to correct inequities in the civil service retirement system that has existed for many years.

At the time I introduced S. 1610, it was my intent that the measure also apply to air traffic controllers who formerly worked for a municipal- or State-owned tower which was later taken over by the Federal Government. I so stated in my remarks in introducing S. 1610.

It has since been called to my attention, however, that the bill as written may, in fact, not cover these individuals. To insure that they are included in the provisions of S. 1610, I am today submitting an amendment intended to be proposed by me to that bill and I ask that it be printed and properly referred to the appropriate committee.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Banking and Currency.

Mr. MONTOYA. Mr. President, as background for the need for this legislation, Mr. President, I think it is worth noting that originally cities not only built their own airports but operated their own air traffic control towers. In 1938, Congress enacted the Civil Aeronautics Act which created a Federal system of airways. Since that time, the Federal Government has been taking over the operation of the city-owned towers. Each time the Federal Government takes over one of these towers, some employees lose their municipal or State retirement benefits.

For some employees this amounts to only a few years. Among extreme cases is the following involving two controllers who worked at the St. Paul Airport tower, which was taken over by the Federal Government in 1963. Each of these employees, I am told, had 17 years of service as employees of the St. Paul/Minneapolis Metropolitan Airport Commission. After 20 years, they would have been entitled to the Minnesota State employee retirement benefits. But as it was, the State merely gave them back their contribution to the State retirement fund. They are now Federal employees, perform the same work, at the same location, and serving the same public. Only the name of their employer has changed, but in the change they have lost 17 years of retirement benefits.

The employees did not ask for a transfer to the Federal payroll; they were just told. They continue doing the same job.

The FAA presumably intended to take over all of the responsibilities and obligations due these employees when it assumed operation of the tower. It did assume obligation to pay their salary, but it overlooked their loss of municipal or State retirement benefits.

The employees affected are perfectly willing to pay into the retirement fund amounts representing the years of service for which they would be credited. Inasmuch as this inequity was brought about through Federal action, it should be corrected by Federal action. My bill would permit them to buy into the Federal retirement system under civil service after they have been in the employ of the Federal Government for at least 5 years. They will be getting nothing free. They will be paying in for every year's coverage they get and will receive coverage only for those years during which they spent performing the services which will now be covered. This is only just.

It is estimated that this amendment would affect some 400 or 500 persons at the most.

Mr. President, I ask unanimous consent that the text of my amendment be

printed at this point in the RECORD and I urge prompt action on S. 1610, as amended.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD.

The amendment, intended to be proposed by Mr. MONTOYA, is as follows:

AMENDMENT NO. 45

On page 2 strike out lines 4 through 9 and insert in lieu thereof the following: "of any public corporation, state, municipality, or entity or instrumentality thereof, the operation or function of which was assumed by, and the employment of the worker or employee was assumed by, the United States or any Department or Agency thereof; but only if—"

## THE NEWSPAPER PRESERVATION ACT—AMENDMENT

AMENDMENT NO. 46

Mr. BROOKE. Mr. President, I rise today to address a subject which is of increasing concern to me—the preservation of newspapers in cities where pressures are great to merge them with their closest competitors. On April 29 of this year, I submitted a series of amendments to Senate bill 1520 which was introduced by my very able colleague, Senator INOUYE. I have carefully reviewed the Inouye bill and my amendments in light of their effect on the newspaper industry as a whole and have concluded that additional amendments are necessary and would be in the best interests of the newspaper industry and the public which it serves.

Present antitrust laws prevent the merger of two or more newspapers when the effect of such a merger would be to lessen competition. An established, judicially created exception to these laws permit a merger when one of the newspapers involved is deemed to be a "failing company." The latter term has been carefully defined in court decisions, beginning with the landmark International Shoe decision. The latest case, Citizen Publishing Company et al. against United States, prompted the introduction of S. 1520. The rationale for the "failing newspaper" exception is that it is better to permit a declining newspaper to merge, than to allow its demise.

The Inouye bill would alter established court doctrine defining a failing newspaper and would permit newspapers to enter into joint operating arrangements—whereby certain activities of the two newspapers involved could be combined—under circumstances that would not be permitted by the Citizen case. My original amendments were designed to codify established antitrust principles set forth in the International Shoe decision by the Supreme Court. The amendments which I submit today—in lieu of the amendments which I submitted on April 29—would retain the Inouye bill definition of a failing newspaper. I have concluded, after lengthy consultations with industry representatives and Justice Department officials, that the definition contained in S. 1520 is adequate, provided the bill clearly specifies the scope of such joint operating arrangements. Newspapers which are not failing in the International Shoe sense would nevertheless be able to join together for certain limited purposes. A complete merger would only be permitted where the criteria set forth in International Shoe were satisfied.

I believe that certain limitations must be placed on the activities which newspapers utilizing joint operating arrangements are permitted to pursue. More specifically, the amendments which I introduce today would preclude such newspapers from engaging in price fixing and profit pooling. The first activity is a per se violation of the Sherman Act, and, therefore, my amendment merely incorporates existing law. To permit price fixing by participants in a joint operating arrangement would be to sanction anticompetitive behavior by one sector of our economy when it has been effectively denounced in other sectors. The Justice Department has indicated its view that price fixing and profit pooling cannot be condoned and I share this belief.

What then are the activities that newspapers would be permitted to engage in if the Inouye bill were passed with my amendments? First, a joint Sunday edition would be permitted, as well as certain joint activities which are presently performed by each newspaper's business department. Examples of the latter would be time-sharing on a single computer, and, under certain circumstances, the joint use of advertising sales. There would also be the opportunity for shared printing and distribution facilities, as well as a cost-justified combination advertising rate provided that each newspaper initially establishes its advertising rate independently of its competitors.

Certainly, the activities enumerated above enable participating newspapers to achieve economies of scale far beyond those which are presently realizable. To go further would be tantamount to permitting mergers where the requirements of International Shoe had not been met. I am confident that the Congress will not endorse a dilution of these fundamental, established antitrust principles.

My amendments would also exempt existing joint operating arrangements which violate the provisions of the amended act from civil suits under sections 4 or 16 of the Clayton Act. It is my feeling that newspapers which have entered into joint operating arrangements in the past and which do not comply with the guidelines set forth in the amended act, should not be subjected to treble damage litigation. They proceeded in good faith, on the understanding that such arrangements were legal and they should not bear the burden of such damages.

My amendments would also declare a 6-month moratorium on suits by the Justice Department, thus giving newspapers presently engaged in joint operating arrangements an opportunity to bring their operations within the scope of permissible activities.

In conclusion, I believe that the amendments intended to be proposed by me which I submit today will permit joint activities where economies of scale can be realized and adverse anticompetitive consequences do not arise. By retaining the established antitrust principles in the area of mergers, further economic concentration in the newspaper industry can be prevented and the goal of preserving a healthy national press can be furthered. My amendments are in accord with the concerns of the Justice Department and I hope they will receive careful consideration in the development of any legislation in this area.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on the Judiciary.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 18, 1969, he presented to the President of the United States the following enrolled bills:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1531. An act for the relief of Chi Jen Feng.

## NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years, vice B. Andrew Potter.

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado for the term of 4 years, vice William H. Terrill.

John P. Milanowski, of Michigan, to be U.S. attorney for the western district of Michigan for the term of 4 years, vice Harold D. Beaton, resigning.

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina for the term of 4 years, vice Hugh Salter.

William L. Osteen, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years, vice William H. Murdock.

Fred C. Sink, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years, vice E. Herman Burrows.

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years, vice William C. Medford, deceased.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, June 25, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## ANNOUNCEMENT OF HEARINGS ON HEALTH ASPECTS OF THE ECONOMICS OF AGING

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly, of the Special Committee on Aging, I announce that the subcom-

mittee will hold hearings on July 17 and 18, 1969, at 10 a.m. on each day, on "Health Aspects of the Economics of Aging." The room will be announced at a later date.

The hearing will continue the work done by the full Committee on Aging on April 29 and 30, when survey testimony was taken. The Senator from New Jersey (Mr. WILLIAMS), committee chairman, explained that the overall purpose of the inquiry was to: establish an overview of the many economic pressures that affect aged and aging Americans, and to focus attention on the personal economics of individuals who—in the final decades of their lifetimes—discover that fixed incomes and lifetime savings are either totally inadequate or barely enough for marginal life.

The committee heard from witnesses who described the economic pressures to which Senator WILLIAMS referred. Much of their testimony discussed the findings of a task force which—1 month before the hearing—issued a working paper called "Economics of Aging: Toward a Full Share in Abundance." That document emphatically made the point that the economic security of aged Americans, now and in the future, is far from assured.

That same working paper—and several of the witnesses heard in April—also discussed the special importance of health care costs to the elderly. Their concern is well-founded. Medicare, essential and useful as it is, pays for only about 40 percent of the aggregate health care costs of older Americans.

In addition, there is great concern about steadily rising health care costs, problems related to long-term care, and unique difficulties of the lives of the "old" elderly, those well past 75.

Senator WILLIAMS suggested earlier in the year that the Subcommittee on Health of the Elderly could perform a useful service by giving intensive study to health issues related to the economics of aging. Accordingly, I have decided to conduct the hearings on the days indicated above.

## ADDRESS BY SENATOR TYDINGS ON VIETNAM LESSONS

Mr. MANSFIELD. Mr. President, the senior Senator from Maryland (Mr. TYDINGS) delivered a most thoughtful address at the commencement proceedings of Goucher College on June 15, 1969. The address reflects the type of sincere and deep questioning of basic premises that is so meaningful and necessary for a full understanding of where we are, how we got here, and where the country is going.

I commend the address to the Senate, and I commend the Senator from Maryland for contributing so meaningfully to the current dialog.

I ask unanimous consent that the address and an editorial commenting on this position, published in the Baltimore Evening Sun of June 16, 1969, be printed in the RECORD.

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

### U.S. FOREIGN COMMITMENTS: THE LESSONS OF VIETNAM

(By Senator JOSEPH D. TYDINGS)

As George Kennan, the former U.S. Ambassador to Yugoslavia and the Soviet Union, has pointed out: America has a marked proclivity to "disregard the obvious lessons of history."

After four years of agony and bloodshed, a majority of the American people have finally accepted the fact that the war in Vietnam was a tragic mistake. At least, we are agreed as a nation that we must extricate ourselves from this unfortunate conflict, that the dying and destruction must be stopped. But what lessons will our leaders and the public draw from this war?

Will the principles and perceptions upon which our disastrous Vietnam policy was based be repudiated and revised, or will there be future Vietnams? Will we seek to redefine America's role in the international community, or will we merely write off Vietnam as the inept execution of a basically sound approach to world affairs?

On the answers to these questions rests no less than our fate as a free nation and a world leader.

Therefore, though the urgent task of bringing the fighting in Southeast Asia to a conclusion remains, it is imperative that we begin to explore the meaning and policy implications of our Vietnam experience.

Reviewing the rationale for our intervention in Vietnam and the costs of that intervention—the 41,000 Americans dead, the 116,000 men wounded, the more than $100 billion spent—the great lesson of that war is clear. The nation with the most powerful military establishment in the world, despite a terrible loss of men and materials, was unable to defeat the forces of revolutionary nationalism in one of the smallest nations of the world.

Whatever the terms of the peace settlement in Paris, there is no avoiding the harsh fact that the United States has lost the war. For we did not intervene in Vietnam to defeat a national enemy—North Vietnam could never be regarded as a threat to our territorial integrity. We intervened to defeat a revolutionary force; to show the world once and for all that "wars of national liberation" could never succeed.

Needless to say, we have demonstrated just the opposite. It is now clear that we will experience a great deal of difficulty defeating national revolutionary movements, the very movements we can expect to encounter throughout the underdeveloped world in the coming decades.

Our misguided belief that we could achieve our objectives in Vietnam revealed the fictitious picture of the political world with which we have been operating.

To begin with, we harbor an unrealistic view of international Communism. In 1947, when the Truman Doctrine of Soviet containment was postulated, opposing Soviet expansion committed us to opposing communism anywhere in the world. For, in the immediate post-war period, international Communism was indeed a monolith directed by a paranoid from Moscow.

However, this is clearly no longer the case. Communism has become polycentric, with each nation and movement—to a greater or lesser degree depending on its proximity to Russia—pursuing its own interests.

This point has been repeated so often it has become a cliche. Yet somehow, these words have failed to force a realization of the inadequacy of justifying our interventions with the simple slogan that we are "stopping Communism"—the explanation offered for our military interventions in the Dominican Republic and Vietnam.

In addition, we have developed a distorted understanding of revolution. Just as we have convinced ourselves that all Communist movements are created by a world-wide conspiracy directed from Moscow or Peking, we have tended to view revolutions in terms of conspiracies of foreign origin imposed upon unwilling peoples.

Thus, we tend to intervene against all radical revolutionary movements for fear that China or the Soviet Union is behind them. And conversely, we are inclined to intervene on behalf of all governments opposed to radical revolution, because these governments—whatever their own merits—no matter how oppressive to their own people—are also opposed to Communism.

As a result, we run the risk, in the words of political scientist Hans Morganthau, of becoming "an antirevolutionary power, after the model of Metternich's Austria of 150 years ago . . . . defending a status quo that we know to be unjust and in the long run indefensible."

If we are to construct a more promising policy with respect to these national revolutionary movements, we must face more squarely the harsh realities of the underdeveloped world.

First, these revolutionary movements are not a passing phenomenon. Rather they can be expected to appear in ever greater numbers in Asia, Africa, and Latin America over the next 20 years, particularly as the famines resulting from over-population become widespread. And this would be the case even if Karl Marx's Communism were to completely disappear as a political force tomorrow.

For these movements are spawned by the misery and indignity that increasingly afflict the great majority of peoples in the third world.

The conditions for revolution are a product of the desperate poverty reflected in per capita incomes of less than $100 a year in many countries; of a population explosion which has outdistanced food supplies to a point where 10,000 human beings starve to death every day in the underdeveloped nations; of governing elites and military juntas that exploit nations for their own private gain and refuse to initiate desperately needed economic and social reforms.

In short, the prospect is one of world-wide upheaval in which Vietnam will merely be viewed as an early success.

Second,—and this is a fact Americans have a particularly difficult time accepting—revolutionary activity in many areas may represent the only hope for rescuing the people in many underdeveloped nations from their unending misery.

We forget that less than 200 years ago, under conditions far less repressive, our forebears adopted violent revolution as the only means for redressing our grievances against the British colonial empire.

Some of these nationalistic revolutions of the past 50 years have been Communist—in Russia, China, and Cuba. Others have been non-Communist, as in Mexico and Turkey, Venezuela and Indonesia.

For, as economist Robert Heilbroner has explained, "It is not Communism, either as a system of philosophy or as a particular party, that makes the crucial difference, but a political movement that has the courage, conviction, and ruthless energy to carry through a program of modernization from top to bottom."

Thus, it should not be concluded that only Communism can induce development in the backward nations. Rather, it is reform and progress that appear to be essential in many of these nations, and nationalist movements can be led by Communists and non-Communists alike.

The third reality that must be faced is that these nationalistic movements, either violent or non-violent—whether Communist or non-Communist—will certainly be anti-American unless we change our policies. For the unhappy fact remains that, in recent years, we have consistently opposed these nationalist movements and provided backing

for all established status-quo governments and groups, from Batista to Trujillo to Thieu—regardless of their relative merits.

To deal with these national revolutions, the United States has 3 basic policy options.

First, we can continue our present policy of supporting anti-revolutionary activity wherever radical movements threaten existing governments. Hopefully, the prospect of an unlimited succession of Vietnams will be sufficient to deter us from this course.

In the short run, it promises only continued American involvement in costly wars we cannot win.

In the long run, it will mean defaulting the leadership of these national revolutions to Moscow and Peking. Paradoxically, we will bring to pass by our own actions the very results we intervened to prevent.

Second, we can adopt a neo-isolationist posture, abjuring contact with the underdeveloped nations and concentrating on the readiness of our own defenses.

While the simplicity of this approach can make it tempting, a Fortress America isolated in a hostile world would force us to be so security minded we would run the risk of becoming a police state. Again our actions would be promoting the very thing we fear most.

Third, we can follow what I believe to be the only constructive course. This is a policy of neutrality towards nationalistic movements—a neutrality that ceases to oppose all revolutions as such, but which preserves our prerogative to differentiate revolutionary regimes we can support from those we cannot.

Such a policy does not demand that we endorse governments that are vehemently anti-American, or that we forswear political and military support for conservative governments threatened by subversion from other nations—as long as these governments enjoy the support of the people as a whole.

But it will involve several serious policy changes: We will have to accept revolutionary nationalist movements as one of the procedures most likely to lead many of the developing nations out of backwardness; we will have to cut off military assistance to reactionary regimes and discontinue our clandestine efforts to undermine revolutionary movements; if we continue our present aid policy, and I have serious reservations about that policy, we will have to extend economic aid and technical assistance to all governments, revolutionary or not, providing they do not constitute a direct threat to our national security.

Needless to say, such a policy will be difficult to implement; relying upon empirical analysis rather than reflexive anti-Communism as a basis for action cannot help but be more complex.

But even more difficult will be the task of selling such a policy to the American people. For if we are to succeed, several long-cherished myths must be attacked in the process.

First, the myth of American omnipotence must be destroyed. Despite our enormous military might, we simply do not have the power to determine to our liking the outcome of every international event. There is not an American solution for every world problem. Vietnam ought to represent conclusive proof of this truth.

Second, we must recognize that our capitalistic system and democratic values—while successful in the American context—are not necessarily best suited to the specific needs of other nations. We extol the virtues of pluralism at home, yet have great difficulty accepting it on an international scale.

Finally, we will have to disabuse ourselves of the notion that all international situations lend themselves to being conclusively "won" or "lost."

Throughout our history, we have alternated between demands for our enemies' "unconditional surrender" and thoroughgoing isolationism. If we are to survive in an age of revolution and nuclear weapons, we must reconcile ourselves to the fact that most successful diplomacy occurs on that ambiguous middle ground where clear-cut victories and defeats are denied all parties.

So the challenge to this generation of Americans is clear: As we move towards what will hopefully be the rapid conclusion of the war in Vietnam, we must begin to sort out the lessons of that conflict in the search for a more effective foreign policy.

History does not permit a nation an unlimited number of mistakes and false starts. We have already been operating for too long with a policy rife with myths and wishful thinking.

All of us—you and I—must actively participate in the urgent national task of redefining America's role in the world.

I say all of us, for the urgency of the times permits no bystanders.

As the poet Dante puts it:

"The hottest places in hell are reserved for those who, in time of great moral crisis, maintain their neutrality."

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CLIMBDOWN

There's a ring of cold, hard truth to Senator Tydings's insistence that this country "has lost the war" in Vietnam. Certainly it is not easy to find what has been won. No convincing military victory is ours, no enemy is decisively turned back, no stable nation stands clearly rescued from invaders. The old domino argument—that the American presence in Vietnam was somehow propping up the little nations strung westward to India—has vanished in the mists to join the World War I cry that we were making the world safe for democracy. At any rate, President Nixon himself no longer presses upon us such tired words. Instead he is pulling out 25,000 troops as a start, but the big job ahead is bringing the American people around to an understanding that a mistake has been made and that losses, however painful, must now be cut.

That is where Senator Tydings helps lead on toward a sounder policy for the future. He reduces the new understanding, admittedly "difficult," to three points. American omnipotence, he says first, must be recognized for the "myth" it always has been and still is today. Second, while capitalism as a system serves this country well, its success must not blind us to other systems better suited to the peculiar needs of other countries. Finally, and here is the point many Americans still find bewildering, "winning" and "losing" no longer carry the once clear-cut meanings of an earlier day. "We must reconcile ourselves to the fact that (in a nuclear age) most successful diplomacy occurs," the Senator says, "on that ambiguous middle ground where clear-cut victories and defeats are denied all parties."

This advice is not only good but timely. For it is the "middle ground," and heaven knows it's "ambiguous," toward which American negotiators are now reaching in Paris. Specifically, the search for an answer to the question—who shall rule South Vietnam?—which is at least not totally unacceptable to either side. Not a glorious prospect, no. This country went into Vietnam with larger but less realistic notions, and it is in their exposure as unreal that Senator Tydings calls the war "lost." What we may have won is the beginning of a firmer grasp on American limitations and on the possibility that the rest of the world is not necessarily willing, in every way, to be faultlessly 100 per cent American. It is not a happy lesson but it may prove more durable than some we have been taught before.

## "SPIRIT, WILL, AND DIGNITY"—TRIBUTE TO CPL. DONALD A. TURSO, U.S. MARINE CORPS

Mr. DIRKSEN. Mr. President, I recently had sent to me a tribute to Cpl. Donald A. Turso, U.S. Marine Corps, who at the age of 21 years gave his life for his country. It is entitled "Spirit, Will, and Dignity." I ask unanimous consent that it be printed in the RECORD.

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

SPIRIT, WILL AND DIGNITY

(Tribute to Cpl. Donald A. Turso)

Oh God, help me to see again the will, spirit and dignity that made this country free.
Let me see the spirit of 1776, and the fighting men on Bunker Hill.
Let us not forget the suffering of Valley Forge or the gallantry of the Alamo.
Let me see again the battles of Bull Run and the bravery of the men in Blue and Grey.
Let me see the Great Emancipator at the battlefields of Gettysburg.
Let me see Teddy and his riders going up San Juan,
Whose sons later were the spirit of the Marne.
Let me see the Yankee Doodle Boys, marching up Broadway,
With George M. Cohan leading all the way.
Let me not forget the 7th of December,
Those of Pearl Harbor we shall remember.
Let me not forget the spirit of Corregidor or Bataan.
Let me not see again the anguish of man.
Let me see again Old Glory rising on Iwo Jima,
Let me see again the landing at Normandy, Salerno, and let us not forget Casino.
Let me see again the battle of the Bulge,
And that brave American who said "NUTS".
Let me see again in far away Korea,
Yes and now in Little Viet Nam.
Oh God I pray that I am worthy of that Spirit, Will and Dignity,
Of those who made the great sacrifice for me and Old Glory.

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## FLOOD PREVENTED

Mr. BURDICK. Mr. President, earlier this spring floodwater plagued many areas in the Midwest, especially North Dakota. Many towns suffered damage from floodwaters. Not Cavalier, N. Dak.

Residents of Cavalier were protected from floodwater by the Tongue River watershed project.

An account of this instance of flood prevention was reported by Ron Ross in the May 17 issue of the Farmer. Ross reported:

Best visible result was the Tongue River itself at Cavalier. The day *The Farmer* visited the town, on April 18, the Red River was 14 to 20 miles wide at some points. At Minot, the Souris River was creating devastating damage. On the Sheyenne, the Minnesota, the Big Sioux and other midwest rivers, flood waters were threatening—at times breaking—dikes. In Cavalier? The Tongue meandered through the town as peacefully as you might expect it to on a lazy dry August afternoon. The upstream efforts were paying off.

Mr. President, the Tongue River watershed project was one of the 60 pilot projects authorized by the Con-

gress in 1954. Efforts of local citizens made it possible. They could have turned it down.

This news account of flood prevention in the spring of 1969, 15 years after the project was authorized is strong evidence of benefits derived by local people from the upstream watershed program. I ask unanimous consent that the news account from the Farmer be printed in full in the RECORD.

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

TAMING THE TONGUE—NO FLOOD WATERS IN THIS WATERSHED

(By Ron Ross)

Residents of Cavalier, N. Dak. could yawn or shrug their shoulders when flood experts warned Red River Valley towns to expect high water this spring.

First glance at a map makes you wonder how they could possibly be complacent. Cavalier lies on the western edge of the Valley, in Pembina County. The Tongue River rolls directly through the center of town, on its way to the Red.

That geography should have set the stage for the same frantic, high-priced and energy-eating diking and sandbagging efforts that were prominent in every Valley town from Wahpeton to Winnipeg.

Nine years ago, panic no doubt would have set in. Flood waters probably would have won over efforts to shut it out. Damage likely would have exceeded the $380,000 yearly average then occurring. But, that was before the Tongue River was taken to task; before the Tongue River Watershed Project became one of the nation's first demonstrations of positive flood control on small watersheds. Positive flood control means stopping as much water as possible at its source, and the rest before it gets far enough downstream to mess up the countryside.

It's that type of flood control that voids the necessity of dikes and sandbags for the 2,000 citizens of Cavalier, neighboring Bathgate and 400 farmers living in the 280,000-acre watershed of the Tongue. With local efforts and cost-share funding from the federal government, it could mean the same thing for other Valley communities.

Creating the control on the Tongue are 10 dams that required 2¼ million cubic yards of fill, 13 miles of floodways, 35 miles of channel improvement, 200,000 acres where crop residues are left to catch runoff, 2,500 acres of shelterbelts, 7,000 acres of strip-cropping, 56 acres of grass waterways, 230 farm ponds and 2,600 acres of pasture, grown under special water management practices. Best estimates are that potential damage has been cut by 75% since the project was completed in 1961, at a total cost of about $4 million. Local funds contributed came to about $1 million.

Best visible result was the Tongue River itself at Cavalier. The day The Farmer visited the town, on April 18, the Red River was 14 to 20 miles wide at some points. At Minot, the Souris River was creating devastating damage. On the Sheyenne, the Minnesota, the Big Sioux and other midwestern rivers, flood waters were threatening—at times breaking—dikes. In Cavalier? The Tongue meandered through the town as peacefully as you might expect it to on a lazy dry August afternoon. The up-stream efforts were paying off.

Forming of the Tongue River Watershed Project was made possible, initially, by the Federal Small Watershed Program, passed in 1954, explains Joe Porter, SCS District Conservationist in Pembina County. The project was one of 60 pilot projects selected throughout the country.

A watershed, simply expressed, in an area—a few hundred acres to several million—from which water drains into a specific creek or river. "Everyone lives in a watershed. The challenge is to use the natural boundaries of the watersheds to establish a flood prevention and erosion control program," Porter says.

Cavalier mayor Bob Olson was a member of the city board back in 1954, and an enthusiastic supporter of that challenge. "We naturally had some resistance," he told The Farmer. "Any time you're asking for extra money you have resistance. But, since the project was completed, we haven't heard one complaint.

"The project does more than control floods," he continues. "When Cavalier voted to contribute $17,000 to the project, we were given the right to take our water supply from Renwick Dam. Since we started using that water, we've been able to abandon three city wells. That saves us about $2,500 a year in upkeep."

Lyle Miller, a former Cavalier businessman, also served on the city board during the first few years of the watershed developments. "Watershed projects are the answer to flood control and soil conservation, as well as recreation," he says.

The Renwick Dam, close to Cavalier, provides swimming, water skiing and fishing, as well as flood control and the city water supply. An additional benefit this year will be grass greens on the local golf course. Water for irrigating the course will come from the dam.

Three of the ten watershed project dams are multi-purpose, Porter explains. This also resulted from local efforts. Federal regulations call for flood control only. But the voters agreed to spend $18,000 extra ($6,000 per dam) for special devices for the flood-water release systems, so that water can be held in the reservoirs all summer. Regulations call for all water in nine of the dams to be emptied in the fall. Renwick Dam must be lowered about half way by March 15.

Farmers benefit both directly and indirectly from the watershed developments. The Tongue River crosses the farm of Don McConaghy. "We've never had a serious flood threat to the farm since the new channel was dug," he comments.

Opening the Renwick Dam and letting the water out just as spring thaws begin helps clear snow out of the riverbed, he continues. "It flushes the channel to the Pembina River, getting the flow started."

"We have legal drains on our farm that drain the northwest part of the county. Before the rechanneling, we didn't have an outlet. The drains were clogged and silted in. As a result, our farm often flooded," says Jim Bartron, a supervisor of the Pembina Soil Conservation District. "After the new channel was dug, we were able to clean out the drains. The water now goes into the Tongue."

"Water would have been knee-deep all over my farmstead this spring without the new channel," says Edward Werner, who also lives adjacent to the new channel. "Before we completed the rechanneling, we had water problems every time we got a soaking rain. In 1950, the water went right through the barn. I opened the doors on both ends and just let it run through."

Mrs. Kenneth Knuth, office manager-secretary of the Pembina County Water Management Board, is as enthusiastic as any of the men about the watershed developments. On a large map in her office are the outlines of six other proposed watershed projects in Pembina County. She is optimistic that, within a few years, controlled drainage will be a reality on every acre in the county.

Farmers also contribute—and benefit—from soil conservation practices. "They are becoming more aware that dams alone can't control floods," Porter emphasizes. "Some of the water must be stopped before it gets to the river."

"We think the efforts of these farmers could double the expected 50-year life of the watershed dams," Porter comments. "Amount of silt washed into the reservoirs can be minimized."

Farmer Loran Hoff agrees. "We have to farm this way. Otherwise, what do we have? What good is the soil that fills the channels and the dams?" Hoff, who farms north of the Herzog Dam, cover-crops all summer-fallowed land. He has planted single rows of trees in fields at 37 to 40-rod spacings. He leaves trash on the topsoil whenever possible. "Without good farming practices, the dams would soon become useless," he contends.

"Conservation farming practices are beneficial to the watershed dams. But farmers should remember that the primary benefits of wind and water erosion controls are to them," says Allen Smith, another farmer who operates above the dams. "Benefits to the dams, however valuable, are secondary," he says.

HERE'S HOW WATERSHED ACTION STARTED

How does a community start the action to get a watershed development underway?

Joe Porter, Pembina County, N. Dak. SCS district conservationist, points out that, first of all, federal law stipulates that each project must be a local undertaking, with federal aid—not a federal project with local assistance. Initiative for all projects must come from within the watershed.

Federal funds may be made available up to 100% of the cost flood prevention construction, including dams, channels and floodways. Up to 50% of the cost of drainage practices may be cost-shared.

For a watershed project to be eligible under Public Law 566, basic rules include:

Size—250,000 acres (unless several watersheds that are part of a larger watershed are planned together).

Dams and other water retention structures—12,500 acre-feet maximum capacity. Additional storage, up to 25,000 acre-feet, may be built into the structure for irrigation, municipal or recreational purposes.

Sponsoring organizations must be authorized by state law to carry out, maintain and operate works of improvement. Sponsors of the Tongue River Project include the Pembina County Soil Conservation District, Cavalier County Soil Conservation District and the Pembina County Water Conservation and Flood Control District.

Cost-benefit ratio must be favorable. In other words, the benefits that will be realized must be more than the damage that has been occurring from flooding. In the Tongue River Project, each dollar invested returns about $1.50 in measurable protection and flood prevention benefits. Using the water for recreation, irrigation and municipal use, as has been done in the Tongue River Project, creates a much better cost-benefit ratio.

Local sponsors must: Acquire all land, easements or rights-of-way necessary for a project. They must be willing to assume their share of the cost and maintain and operate the improvements after installation. Sponsors also must obtain soil and water conservation program agreements for at least 50% of the land above each retention reservoir.

## THE GREEN THUMB PROGRAM

Mr. FULBRIGHT. Mr. President, in Arkansas and in a number of other States the Green Thumb program, which is administered by the National Farmers Union, is proving to be very successful.

The Green Thumb program is particularly significant because it has given an opportunity for many of our older citizens, frequently from rural areas, to participate in constructive and worthwhile community service activities.

Just as an example, to date, Green Thumbers have built, rebuilt, or refurbished more than 350 parks, including 61 roadside parks in Arkansas. As a result of the fine work which the Green Thumbers are doing on city, county, and State parks, travelers, picknickers, campers, and local residents are now able to enjoy these parks.

Mr. President, a report on Green Thumb activities during the first quarter of 1969 was recently issued, I ask unanimous consent that it be printed in the RECORD.

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

FIRST QUARTERLY SUMMARY REPORT FOR 1969 OF GREEN THUMB ACTIVITIES

This report covers the first four months of operating activities under our 1969 Green Thumb contract.

We were authorized to employ 2,073 green thumb worker trainees in 14 states this year (282 in Arkansas, Indiana, Minnesota and Wisconsin; 142 in New Jersey, Oregon and Virginia; 98 in Kentucky; and 70 in Nebraska, New York, Oklahoma, Pennsylvania, South Dakota and Utah).

This was achieved despite the March staff and board meetings. There were some delays in the hiring process because of very bad weather conditions and a planned delay in hiring in Indiana and Kentucky. By the end of April, 1,947 worker trainees were actually working which is about 94 percent of our total strength. It is estimated that by this time, however, we are up to about 97 or 100 percent of our full strength.

The staff of Green Thumb has spent many weeks in planning projects with state and local agencies, recruiting, screening, interviewing workers with the Employment Service, arranging physical exams, setting up training sessions, making referrals to rehabilitation and other agencies, counseling with green thumbers and assisting with personal and job problems involved in launching new projects. Special efforts were made to achieve balance between the concern for the individual green thumber and his problem and accomplishment of attractive community projects.

This year Green Thumb staff has worked with other manpower agencies to assist in developing a coordinated manpower plan. After consultation with the Department of Labor office Green Thumb has helped to give leadership in many of the Cooperative Area Manpower Planning Committees. For example: Wayne Vance, our Indiana Green Thumb State Director, has served as the Chairman of the local Cooperative Area Manpower Planning Committee.

Our Green Thumb State Directors have attended many Cooperative Area Manpower Planning and Technical Action Planning meetings to help coordinate our plans with other efforts. They have also worked with State Employment Services, Community Action Programs, Concentrated Employment Programs, Highway State Park Conservation and Forestry Departments, State Commission on Aging, and hundreds of County, City and other local governmental agencies. Most of these meetings and contacts were to develop new projects, special spring plantings, and training, social, and employment service for Green Thumb workers.

Green Thumbers have assisted in several emergency situations this quarter. They have assisted in flood control and repair and clean-up of damaged areas; Green thumbers were called upon in South Dakota for emergency help when a wind storm broke off and uprooted more than 40 trees in a park. In Arkansas a search effort was made when a local resident was lost in the woods for several days. Our green thumbers assisted local officials in helping to find this elderly citizen.

In the City of Glenhaven, Wisconsin, Green Thumbers assisted in flood control efforts. The Mayor and the Civil Defense Director contacted our Wisconsin Green Thumb State Director asking for assistance in patrolling dikes, maintaining pumps on a 24-hour basis during this emergency situation. This effort involved two crews staying one week each. The men traveled at least 150 miles away from their communities. Housing and food was supplied by the City of Glenhaven.

Green Thumbers have restored several historical sites in the 14 States. These projects have made a real contribution to the community. Restored historical sites bring tourists and their money into low-income rural communities. Our green thumbers recognized their efforts as not only helping to earn money and to restore their own well-being, but also they see it as being of historic significance.

Green Thumbers have worked on 350 roadside parks. In some areas, these parks have been part of a conscious effort to encourage tourist travel, especially in Minnesota, Arkansas, Wisconsin and Oregon. A dramatic example of the impact of Green Thumbers work is in Newton County, Arkansas, one of the nation's poorest counties. The development of several beautiful roadside parks by Green Thumbers has been the key to economic development and community betterment effort through beautification which is literally bringing that county out of poverty through the growth of the tourist business. This rural county of about 5,000 population had no industry, no doctor; nurse, or pharmacy, only one paved road, and even uses horses and a boat to deliver mail to families living in the hills. Green Thumb was the only federal anti-poverty manpower or economic development project and with 14 workers, was the biggest employer in that county. The development and beautification of the one paved road with roadside parks, overlooks, and dogwood plantings has attracted a large flow of tourists to Newton County, and was instrumental in the location of "Dogpatch USA" (a sort of mid-America Disneyland developed by Al Capp). Tourist business is booming, Dogpatch and other tourist businesses have become major employers, the bank has moved from an old wooded building to a new cement office building, and the community has been able to finance a Clinic-Hospital and will have a doctor next month.

In Wisconsin, 93 roadside parks have been worked on; and in Minnesota some 83 roadside parks have been worked on and improved. The tourists and vacationers have been using these parks, attracting critical monies for the economic development of these areas. The Upper Great Lakes Regional Commission (the Commissioners are the three Governors) has submitted their budget proposals to Congress this year which includes $1 million to this program, under their direction, would develop roadside and overlooks and other projects along the scenic route. The Commission's staff say that the reason the Commission has put roadside development program employing older low-income people into their bill is the economic success of the Green Thumb program in adjacent areas in Minnesota and Wisconsin.

To date, Green Thumbers have built, rebuilt or refurnished more than 350 parks. These parks, of course, are used by all the people in the area and tourists as well. Low-income families usually make greater use of these parks than higher income families. Many areas had no roadside parks whatsoever until Green Thumb came along.

As a result of the fine work which our Green Thumbers are doing on city, county and state parks, travelers, picnickers, campers, and local residents are now able to enjoy much more confortable surroundings in all our states.

The measurement of the impact of Green Thumb upon the lives of the workers and the families is more difficult to describe than the number of new parks built, but is the most important goal of Green Thumb.

For example, one crew is composed of patients from the state mental hospital, who are released during the day to work on Green Thumb.

New Jersey has done other significant rehabilitation, as well as many of the other states. Many Green Thumbers and their families are now receiving food stamps as a result of special counseling and training.

Special reports later this year will focus on these social services, employment efforts, and the human factors involved in Green Thumb.

## COMMENCEMENT ADDRESS BY BEN S. GILMER AT UNIVERSITY OF GEORGIA

Mr. TALMADGE. Mr. President, the commencement season just past brought forth many and varied comments about the current wave of disorders and rioting on the Nation's campuses. One of the most outstanding addresses that I have had the opportunity to read was delivered at the University of Georgia by Ben S. Gilmer, former president of Southern Bell Telephone & Telegraph Co. and present president of American Telephone & Telegraph Co., at the graduation exercise there on June 7.

Labeling campus anarchists as "counterrevolutionaries," and accusing them of being unequipped to bring about constructive change, but only to demand it, Mr. Gilmer criticized students who would tear down the framework of our society in the name of revolutionary change. He challenged all young people instead to work out solutions to our problems in ordered, rational fashion.

He called on the graduates to accept the challenge, to become true revolutionaries, the "new adventurers," whom he correctly described as "people who really keep things moving."

I invite the attention of the Senate to Mr. Gilmer's eloquent and forceful address, 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:

COMMENCEMENT ADDRESS BY BEN S. GILMER

This I know is a day to which all of you have pointed your efforts and energies for a long time. I congratulate you and am honored to be with you on this great day in your lives.

So many long honored customs of college life have been challenged of late I would not have been surprised to see the abolition of the commencement speaker become one of them. Fortunately for me this did not turn out to be the case, and I am happy to join with you in the enjoyment of this day.

Most commencement speakers, I suspect, are under no illusions as to how long their words will be remembered—and I am no exception. Who, for example, spoke at my own graduation and what he said have long since slipped from memory.

At the same time there is a certain solemnity about these occasions that moves one to look long and earnestly within himself for that one portion of wisdom with which life may have endowed him that might have some meaning to the new generation to whom his own will shortly pass the torch.

In recent years that search has become a particularly trying one, for they have been years in which some members of your generation have been loudly asserting that they trust no one over 30, such protestants at the same time giving very little indication as to why anyone over 30 should trust them.

With each succeeding graduating class, it would appear, the generation gap grows wider and the wider it grows the greater the risk that the commencement speaker will fall in.

Nonetheless I suspect that nearly every commencement speaker—up until this year at any rate—has secretly harbored the hope that somehow he might find the words that will convey to his younger audience that he—perhaps in some measure understands the aims of youth, that, he shares them with undiminished ardor in spite of the passing years.

This rapport once established, his audience will, he hopes, hear his words with open minds—and perhaps even heed some of them.

Thus most commencement comment on youth to youth falls into a predictable pattern: applaud youth's aims, deplore its methods.

You will forgive me, I trust, if this year—I abandon the pattern. To my mind rapport between the generations will be better served by candor than by strained efforts at ingratiation. At the risk, then, of being characterized as a quaint survivor from a bygone era, I am going to tell you precisely what I think.

Briefly, I am not with it. What has been happening on many of our campuses over the past few months—or rather what the newspapers have chosen to tell us about what has been happening on our campuses I find deplorable.

And what aims are served by vandalism and violence I readily confess I do not understand. If the impulse to these actions springs, as I have heard it alleged, from youthful idealism, it is misplaced idealism and certain to defeat the very aims it professes to serve.

Not freedom but a new authoritarianism is surely the most likely consequence of such excesses. Nor is it very likely that expanded participation in decision-making will be extended to those who by their actions demonstrate they do not know how to handle the responsibilities they already have.

Let me say at the outset that I would have preferred to talk with you today about almost any other topic than the current campus turmoil. Avoidance however, would serve no useful purpose and indeed would be interpreted as joining with those who seem to believe that if something is ignored it will cease to exist.

Among my colleagues in the business world, utter consternation seems to be the most common reaction to the recent highly publicized events on some of our nation's most distinguished campuses.

It is an altogether understandable reaction but not to my mind a very helpful one. For these events can no longer be dismissed as isolated phenomena. Nor can we take comfort in the thought that they are "un-American," the product of an alien conspiracy.

And while it is true that the actual perpetrators of the violent acts we have been reading about probably constitute but a small fraction of the current campus generation, we simply cannot take lightly the fact that the politics of violence has moved from the streets to a site we had assumed was reserved for calm inquiry and rational discourse.

The consequences of these events for the colleges involved may be tragic or hopeful, depending on their response. But my concern runs beyond the prospects of particular institutions and goes to the implications of these events to the future course of American society.

Down through the years Americans for the most part have been willing to resolve their differences—and accept the consequences within a commonly accepted framework of order and due process.

On our campuses as in our cities, violence signals the breakdown of this tradition. But what is more disturbing is the realization that the recent disorders may be but surface symptoms of a more widespread infection.

This infection shows itself in what appears to be an increasing disposition to escape the responsibilities of citizenship and the risks of participation either by seeking refuge in private comforts or at the other extreme, by an equally irresponsible disposition to translate the most agonizingly complex problems into simple confrontations between "them" and "us."

I addressed myself to this development on a like occasion a year ago and what was said then can be repeated now with no less conviction: To my mind this resort to unreason—in whatever guise it appears—is the most dangerous trend of our time.

It jeopardized what has been and remains our country's greatest strength—and that is the capacity to govern ourselves.

This resort to unreason shows itself, too, in what seems to be an increasing preoccupation with power, power exercised not through the conventional political process but by obstructing the normal operations of society.

Power thus exercised can dramatize dissent and discontent, but it can also undermine the orderly processes on which the dissenters themselves will depend once their discontent is assuaged. The continued use of this kind of power can only lead to the progressive degeneration of the political process in this country, to the death of freedom. This is, as well, the most likely consequence to our nation's goals and—more particularly—to the quickened aspirations of youth.

Those goals cannot be achieved or those hopes realized in an angry society, divided by contention and embittered by frustration.

Only a coherent society, uniting all its elements in a context of commonly accepted political process, can gather its resources and marshall its energies on the scale the future will require.

It is time, then, that men and women of reason and conscience everywhere made it plain that this society cannot countenance and will not reward the willful exercise of power to obstruct its legitimate processes.

But clearly it is not enough to decry violence unless at the same time we are ready to take account of the causes that inspire it.

Clearly we must ask ourselves, what is wrong with youth or what is wrong with us and the world we have made that has produced so deep an estrangement between so many of our young people and the major institutions of American life.

I raise the question not out of concern for the current crop of campus saboteurs but for the far larger number of their contemporaries who may take as dim a view of violence as I do but whose anger, albeit contained, is anger all the same.

You will tell me, I suppose, that there is sufficient evidence of injustice in the world to warrant anger and that the occasions for youth's estrangement are not really that hard to find:

A sad and apparently interminable war and its tragic costs in lives and resources. . . .

The evidence in the midst of affluence that millions of our fellow citizens have not shared in America's expanding opportunity. . . .

The fact that so many of the people in our greatest cities live ugly lives. . . .

The apparent hypocrisy of a society dedicated to no higher aim than a continuous expansion of personal consumption.

But we have experienced these occasions before. Indeed it is hard to recall a time when we have been without them or their counterparts.

So, without the slightest implication of doubt about the depth and sincerity of the convictions of young people on the issues I have recited, let me say that it seems to me the explanation lies elsewhere.

There are in my observation as many different interpretations of youth's mood as there are interpreters and I claim no special insight in this regard. There does, however, seem to me to be two interrelated elements in the current mood that are unique to these times.

The first is a feeling, apparently widely shared in your generation, that the prospect ahead is a sadly empty one, that the expected course of your lives offers very little worthy of high purpose and very little promise of opportunities for a sense of real accomplishment.

And the second is a sense of frustration in the face of institutions so large, so complex, so apparently impersonal that they afford little prospect that what one man does will make very much difference.

Were these impressions valid, this ceremony, normally the most hopeful of occasions, would be a sad one indeed. Nor will they be made otherwise by any simple assertion to the contrary by me, however deeply I might feel it.

Nonetheless I shall risk. Your own discontents dramatize the fact that there is much unfinished business in our society that is worthy of the best that is in you.

Who, if not you, is going to see to it that our onrushing technology is shaped to humane ends.

Who, if not you, is going to bring order and civility—and, yes, greatness—back to our great cities.

Who, if not you, is going to rationalize our outmoded structure of local government so that it meets the needs of the final third of the twentieth century.

Who, if not you, is going to assure the adequacy of public services, health, education, transportation, waste disposal—for a population that by the century's end will number 360 million.

Who, if not you, will see to it that we have an education system in this country that denies to no one the ability to grow to the limit of his personal capacity.

Who, if not you, will see to it that our institutions—our colleges and corporations, our churches and city halls—do not become ends in themselves, that they develop a continuing capacity for renewal in the face of changing needs.

I raise these questions in order to suggest that I profoundly believe—and that is that there are new worlds to conquer and that those new worlds do not lie in the outer reaches of space but close at hand.

But the conquest of these new worlds, I must quickly add, cannot be achieved by slogans. They will not yield to marches and manifestoes or to simple fervor unsupported by competence. They will yield only to the patient exercise of our rational faculties.

Those who think otherwise are not the revolutionaries they proclaim themselves to be. Rather are they—in the opinion of an M.I.T. professor whose name I cannot pronounce but whose views I share—counter-revolutionaries—a romantic remnant, historically obsolescent, unequipped to change the world, equipped only to demand that it be changed.

Today's world, stubbornly complex as it is and growing more so, will exact a hard discipline from those who seriously hope to have a hand in changing it. In short, it will take competence.

What satisfactions will derive from accepting the challenge of acquiring that competence will not include the satisfactions of self-dramatization.

Those of you who do accept that challenge will be in fact the true revolutionaries—with a better warrant to that term than those of your contemporaries who have appropriated it for themselves.

Today our society faces a serious shortage of true revolutionaries—men and women with the competence and patience to face complexity unafraid. Those we have are without exception over-burdened. In an age of increasing leisure, their work week grows longer and their lights burn later than those of their colleagues. Such vacations as they manage are, as often as not, interrupted by some emergent crisis.

No sector of society has a monopoly on their talents. You will find them in the Federal Government and in municipal agencies and you will, I am glad to say, find them in business.

You will not read their names in headlines—they look much the same as you and me—but it is to them we owe the fact that things work as well as they do. On them our hopes depend that things are going to work better. They are the "new adventurers."

What manner of men are they?

First of all, they know their business but never deceive themselves that they know all they need to know.

They are not "mere technicians." They know that in this world of ours there are no simple answers any more, that any plan or program, however, plausible in the abstract, must meet the test of human needs and that those needs are varied, more often than not competing and must somehow be resolved in an outcome that, while it may be best for all, may be fully satisfactory to none.

And they know, too, that the consequence of attempting too much, like the consequence of doing too little, is failure. Finding what is right is an arduous process of matching needs with resources, of rigorously assigning priorities that distinguish between what must be done, what can be done and what had best be put off until tomorrow. In short, they know that social ends depend on economic means.

Finally, I think I should say that the men and women I have been talking about are not very different from you and me.

They are not a new breed of men, a specially constituted elite somehow genetically equipped to manipulate the mysterious control system of our complex society.

What most distinguishes them from the rest of men is their confidence that change can be managed—can be because must be and their belief that what one man does about it can in fact make a great deal of difference.

They are for the most part modest men. Somehow, though, wherever they are—in a business, a government agency, a town hall—they seem to generate about themselves an atmosphere of excitement. They do so because—if only by the smallest increments—where they are things are moving.

I invite you to join the "new adventures." Compared to the number of people who are simply along for the ride, the number of people who really keep things moving in this world is small indeed. We need more.

I would like to conclude with a few words about those institutions which together comprise what you may call the establishment. I suppose the telephone company is one of them.

If my own experience is any guide, there is as much diversity within the establishment, if there is such a thing, as there is any place anyone might want to look.

Forces for change, not all of it good, contend with forces for stability, not all of it bad, in a state of continuing dynamic tension.

Is there room in the establishment—in my own business, for example—for adventure? If I say, yes there is, I must also remind myself that we have a continuing obligation to ask ourselves, is there room enough? We must and we do because our future depends in the final analysis on an asset that appears nowhere on our balance sheet, the innovative capacity of our people, their ability to sense and respond to society's new demands, their ability not merely to react to change but to lead it.

Finally, it appears to me that it is time for a general de-escalation of the rhetoric we apply to the current problems of our society. Surely no nation on earth has experienced so many "revolutions" and so many "crises" as we have over the past few years. Yet somehow we have survived.

Looked at in perspective, not every change is a "revolution" and not every problem a "crisis." I suggest that the application of a more moderate terminology to current problems would contribute to our confidence that they can—with the patient application of good sense and good will—be managed and managed effectively.

At the same time if we could rid ourselves of some of the stereotypes that dominate so much of our thinking these days—the disposition of people like me to address people like you as "youth" and of you perhaps to think of me as "business"—if we could come to see each other, not as generalized classifications of humanity but as individuals, each with his own talents, each with his own hopes, and both with so much in common, we would be taking a long step toward strengthening in our country that sense of community that has been its greatest asset and that, should we lose it, would be its greatest loss.

Thank you very much. My very best wishes to all of you.

## RUSSIA TURNS BACK THE CLOCK

Mr. JACKSON. Mr. President, I have long believed that in trying to make wise decisions on national security issues, it is important to understand the nature of the adversary. I have been pointing out that as I assess the Soviet Union, it is an opportunistic, unpredictable opponent with rapidly expanding military capabilities, and that, far from moving away from Stalinism, there are increasing signs within Russia of a move to the right—toward a domestic hard line.

In this connection, I wish to draw to the attention of Senators the timely and highly informative articles by Anatole Shub on the theme "Russia Turns Back the Clock," which have been appearing in the Washington Post.

Anatole Shub was recently expelled from the Soviet Union after being Moscow correspondent of the Washington Post for more than 2 years.

These are the first five articles in what I understand will be a series of 10.

Mr. President, I ask unanimous consent that these five articles be printed in the RECORD.

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

[From the Washington (D.C.) Post, June 13, 1969]

### RUSSIA TURNS BACK THE CLOCK—SOVIET LEADERS REJECT REFORM, CAST FUTURE IN A STALINIST MOLD

(By Anatole Shub [1])

For two years, I have watched Russia's rulers grimly attempt to turn the clock back. In part, I believe, it has been a reversion to Stalinism, although there has been no purge of Communist leaders, and the political prisoners number scores of thousands, rather than millions.

In part, it has been a throwback to older tradition—to Russia as the "gendarme of Europe," the guardian of absolutism and orthodoxy, its armies on permanent maneuvers, poised to menace democracy and national independence beyond Russia's own frontiers.

However, the most striking "return" to past ways has had more tragic dimensions. For, as I left Moscow, many Soviet friends had come to believe that the present Kremlin rulers are leading Russia down the same melancholy path as the Romanov czars took a century ago.

By all accounts of those who have dealt with them, the men who deposed Nikita Khrushchev in 1964 are cynical, crude, narrow-minded, frightened for their own privileges. They have shown themselves unable and increasingly unwilling to risk the reforms, small or large, required to meet the complex needs and aspirations of an ever more literate, sophisticated Russian society.

The present rulers quickly turned their backs on the progressive evolution in Yugoslavia, which Khrushchev had fitfully sought to emulate. They used armed force to strangle Czechoslovakia's peaceful democratization, which was pointing Russia herself a way out of the vicious circle of power, privilege, terror and fear created by Lenin, Trotsky, and Stalin. None of the Russian leaders himself stepped forward as a Soviet Dubcek or Tito.

Instead, the Kremlin bosses—Brezhnev, Suslov and Shelepin in the Party machine; Grechko, Yepishev and Yakubovsky in the army; Andropov, as well as the faceless professionals of the KGB (security police), Russia's "invisible government"—have turned increasingly to repression and reaction, xenophobia and mystification. They appear to be counting on the fears and prejudices of the "dark people," the traditional mob of Russia's tragic history—and they are plunging the country's finest spirits into despair.

Yet their oppressive, anachronistic system cannot produce meat, apartments or happy smiles even for the "dark people." The sense of suffocation and choking among the educated is matched by the sullenness and permanent irritability of the masses. For both, alcohol is often the sole relief. Abortions, ulcers, high blood pressure, psychosomatic illness are the toll exacted on an incalculable scale.

Should present policies prevail, many intelligent Russians feel that the likeliest result—once the unemasculated generation born after Stalin's death reaches manhood—will be a violent explosion. Such explosions have been frequent in Russian history, and have often brought only greater tragedy.

The contrast is striking between the atmosphere now and that of the autumn of 1963, when I first visited the Soviet Union. Although even then hopes were no longer as high as in the euphoric mid-1950's, an eager, curious youth was still being raised—officially—in the ambivalent yet stimulating spirit of de-Stalinization.

#### BRILLIANCE EMERGED

Late in 1962, Alexander Tvardovsky's progressive monthly Novy Mir had published the most important book of the Soviet era: "One Day in the Life of Ivan Denisovich," by Alexander Solzhenitsyn, who finally spoke for the scores of millions murdered or imprisoned under Stalin.

Thousands thronged to hear the brilliant, aristocratic poetry of Andrei Voznesensky and the more poignant ballads of Bulat Okudzhava. Yevgeni Yevtushenko publicly denounced "the heirs of Stalin" and mourned the victims of anti-Semitism in "Babi Yar." Perhaps more important, Dostoyevsky, who had foreseen it all, was available and readable again.

[1] Anatole Shub, after more than two years in the Soviet Union as Moscow correspondent of The Washington Post, was recently expelled by the Soviet authorities. In this series he presents his personal observations and conclusions.

After an entire generation in which Russia had been "the dark side of the moon," its scientists, artists and social scientists had renewed contacts with the real world of the West. It was under Khrushchev and Anastas Mikoyan (eased out in 1966) that the ideas of economic reform later loosely labeled "Libermanism" were first solicited and publicly aired.

Soviet foreign policy in 1963 seemed similarly promising. In spite, or because, of the Berlin and Cuba confrontations, Russia was basking in the glow of the nuclear test-ban treaty, a symbol of Khrushchev's readiness to meet the West part-way. "Peaceful economic competition with capitalism," "overtaking the United States in consumption of meat, milk and butter," were still official promises (although the unreformed economic system gave scant hope of ever fulfilling them).

Literate Russians had to understand, too, that the break with the China of Mao Tse-tung and Liu Shao-chi, the attack on Peking's doctrines of permanent revolution, then represented, at least potentially, a vehicle for justifying ultimate reconciliation with the West.

OUTLOOK IN 1967

Even in April, 1967, when I returned to Moscow to live, there remained some grounds for cautious optimism. The new Kremlin leaders had already halted de-Stalinization, stepped up the missile race, committed Soviet arms to the Vietnam war, and sent Andrei Sinyavsky and Yuli Daniel to the Potma concentration camp.

Yet the new leaders' style seemed cautious and modest (much like that of the early Stalin), and their promises of better farm incomes and rationalized industrial management seemed saner and tidier than Khrushchev's impulsive projects.

For the 50th anniversary of Lenin's revolution, Western, Czechoslovak and East German consumer goods were imported in large quantities. They made Moscow and Leningrad, at least, seem nearly as normal to the transient visitor as Potemkin's typical villages specially constructed to please Catharine the Great. Many optimistic Russians, as well as foreigners, believed inspired stories that Sinyavsky and Daniel would be amnestied, that Pasternak's "Doctor Zhivago" would be published, that Solzhenitsyn's new novels would be permitted to appear in Novy Mir.

Looking backward, it seems that the Jubilee Year was largely a put-on, with the Kremlin leaders on their best behavior chiefly to avoid domestic or international scandal. Svetlana Stalin was not impressed and left the country. U.S. Ambassador Llewellyn Thompson, although he never said so publicly, had privately concluded by the summer of 1967 that "the wrong gang" was in power.

TURN FOR WORSE

In fact, there was an obvious turn for the worse with the Middle East war. Not only KGB and military intelligence agents but Politburo members had directly helped provoke the conflict by spreading the verifiable lie that Israeli troops were massing to attack "progressive" Syria.

In the wake of Israel's victory, reactionaries in Russia, the Ukraine, Bessarabia and the Baltic states launched a fierce "anti-Zionist" campaign, which continues unabated. It was recognized by both Jews and anti-Semites to be potentially as lethal as Stalin's murderous drive against "rootless cosmopolitans" (1948–53). Even in civilized Leningrad, Jews say the climate now is "the worst since 1952."

The pretensions of the Jubilee Year ended with the Moscow trial of Yuri Galanskov and Alex Ginsburg in January, 1968. "Vigilance" became the watchword at the "historic" April plenum of the Party Central Committee, which proclaimed an open season for the KGB, MVD and cultural hatchetmen. The invasion of Czechoslovakia finally crushed the evolutionary hopes of Russia's "loyal liberals"—hopes which had been so earnestly formulated by the Soviet nuclear physicist, Academician Andrei Sakharov.

TREND SINCE AUGUST

From Aug. 20, 1968, onward, it became clear that, so far as the Kremlin summit was concerned, there could no longer be serious talk of a "liberal" or even a "moderate" faction. As a seasoned neutral diplomat sadly observed, "The struggle is between the conservatives and the reactionaries"—between plodding, coarse, relatively cautious old Stalinists and more dynamic, ambitious younger apparatchiki.

Last October, the classic signs began to appear of a grim, intense struggle for Kremlin power, involving various leaders, factions and patronage groups, the rival machines of the Party, Army, KGB, and MVD (civil police). The "winning combination" has yet to emerge, although I suspect it will within a year. Meanwhile, the victims have been individuals and national groups striving for basic rights throughout the vast multinational empire occupied by Soviet garrisons from the Vltava to the Ussuri.

CURBS ON INTELLECTUALS

The fate of a brilliant young Tatar physicist, R. K. Kaliyev, shows how swiftly and drastically times changed. Last year, Kadiyev and a colleague presented to an international conference in Tbilisi startling new astronomical and space researches confirming and deepening Einstein's theory of relativity. There have been few comparable discoveries, anywhere, since Einstein first suggested the theory. Za Kommunism, newspaper of the Dubno Atomic Research Institute, was proudly hailing Kadiyev's feat as recently as Nov. 22, 1968.

Today, Kadiyev sits in Tashkent jail, the chief defendant at a secret trial of ten Tatar intellectual leaders who have been struggling for the return of their people to the Crimean homeland from which Stalin deported them in 1944. It was to attend the trial of Kadiyev and his comrades last month that the gruff, fearless Ukrainian democrat, former Maj. Gen. Pyotr Grigorenko, went to Tashkent—in full knowledge that he, too, would be arrested.

The KGB and MVD have decimated the hardly little Moscow underground, the activist civil liberties movement led by Grigorenko and Pavel Litvinov. At the same time, the better known "loyal liberals" of the cultural and scientific community are being successively restricted, demoralized and removed from positions of influence—with the reported ouster of Tvardovsky from Novy Mir only the latest case in point.

Yet the Kremlin rulers have not succeeded in establishing the kind of "order" they seem to crave, the order which Marx in his time called "the peace of the graveyard." Instead, like the Romanov czars before them, they have been sowing dragons' teeth. For with each new act of repression, they are creating new oppositionists, turning nonpoliticals into politicals, liberal evolutionists into potentially radical revolutionists.

Five months after the invasion of Czechoslovakia, a young Soviet army engineer lieutenant named Llyin boarded the crimson night train from Leningrad to Moscow. The next day, he borrowed a police uniform from a relative—and on Jan. 23, 1969, inside the Kremlin's Borovitsky Gate, fired shots almost surely intended for Brezhnev.

STILL UNEXPLAINED

Although Ilyin's act may well be a milestone in Russian history, Soviet officials have not explained it to this day. Instead, tipsters for the contending Kremlin factions have, from the start, been circulating two rival accounts. According to the conservatives, Ilyin was a Soviet Oswald, a "paranoid" loner, and has already been, or soon will be, officially certified as insane. According to the reactionaries, the lieutenant from Leningrad was part of a "counter-revolutionary gang," with accomplices high in the Soviet army, MVD and elsewhere, all of whom will soon be exposed and brought to trial.

For their part, Russian democrats have compared young Ilyin with both the Decembrist rebel officers of 1825 and the Populist revolutionary terrorists of czarism's last four decades. They have drawn heart from the story that Ilyin, interrogated personally by Andropov as to why he did it, replied: "Chtob razbudit Rossiyu" ("To wake up Russia").

There is absolutely no way to verify which, if any, of these stories may be true. For in Brezhnev's Moscow, no foreigners, and indeed very few Russians, ever know anything for certain about matters of importance—and hardly much more about matters most countries regard as trivial.

It is precisely such knowledge, on the part of the Soviet peoples and the world, that the Stalinist system (only partly modified under Khrushchev) was constructed to prevent. The system is still operating, barbed wire, microphones and all, under Stalin's heirs.

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[From the Washington (D.C.) Post, June 14, 1969]

RUSSIA TURNS BACK THE CLOCK—KGB SURROUNDS FOREIGNERS

(By Anatole Shub)

A typical official "public" Moscow occasion: April 22, 1969, the 99th anniversary of Lenin's birth, with a "festive meeting" at the modern, Western-equipped Kremlin Palace of Congresses.

Only a dozen foreign correspondents and three dozen diplomats show up, including two Chinese who come just to stomp out later. The rest of the foreigners stay home because, since the off-the-cuff Khrushchev days, such occasions have been tedious and predictable—seen one, seen 'em all.

We walk in through the Kremlin's Troitsky Gate and show KGB plainclothesmen and uniformed Kremlin guards our passes: the permanent identity card and the specially issued pass for this meeting. We show the passes again to other security men at the Palace doors, and climb the stairs to the second balcony. On the way up, we pass several hundred plainclothesmen coming down to pose as workers in the audience below. We show our passes twice more to KGB ushers before reaching our seats.

The treat of the day is a report read by Ivan Kapitonov, the Party secretary for cadres. Like most Soviet speeches since Stalin shaped the form, it resembles the liturgy of a fundamentalist sect, with a few dubious statistics to add scientific sheen. The jargon is wearily familiar and so is Kapitonov's essential message.

Every day in every way everything is getting better, he says. We're the tops and utopia would be around the corner (although not in your lifetime) if not for the monsters, fiends and demons in the United States, Germany, Israel, China, Yugoslavia, Rumania and most of the rest of this sinful world. ("Imperialists, revanchists, militarists, deviationists, right and left opportunists," etc.)

On stage behind Kapitonov, all the famous "fighters for Marxism-Leninism" seem either bored or preoccupied. Brezhnev looks as sleepy-eyed, Kosygin as mournful, Shelepin as tense as ever. The so-called news of the day is provided by the Rumanian "fraternal guests," Nicolae Ceausescu and Ion Gheorghe Maurer, who grimly decline to applaud attacks on themselves. (Soviet television avoids them.)

Yet both the Soviet rudeness and the Rumanians' silent defiance are true to form, and the only real interest is stimulated by two uniformed men at the rear of the stage:

Marshal Andrei Grechko, the Defense Minister, and Gen. Alexei Yepishev, his chief political commissar. Both are animated and excited. They talk, talk, talk, throughout the 80-minute speech. (Are they discussing the May Day military parade, which is about to be canceled for the first time in 50 years?)

A colleague passes me a pair of binoculars. "Can't see a thing," I say, "I'm blind." A moment later, as the plainclothesmen below applaud Russia's superior "socialist democracy," my friend replies: "No, we are the halt. They are the blind." And that is so.

The foreigner in Moscow—diplomat, correspondent, exchange scholar or businessman—lives in a state of permanent disability, inflicted by the KGB.

Except for the highest diplomats of major countries who have mansions and a few privileged permanent residents, all foreigners live in a few large segregated compounds. These ghettos are surrounded by high wire fences and patrolled 24 hours a day by KGB men in blue police uniforms.

Anyone who enters or leaves must pass at least one police booth, equipped with special telephones. Russians "unlicensed" to deal with foreigners are stopped and questioned. At night the compound courtyards are floodlit. Embassies are similarly guarded. Apartments and offices are frequently searched.

Foreigners cannot travel more than 25 miles outside Moscow without permission, which must be formally requested at least 48 hours in advance. Only about 100 Soviet cities or towns are actually open, and there are some like Tomsk, which foreigners have not seen in 40 years.

You can go to some of the open cities only by air, some only by rail, some only by certain routings, even when more convenient possibilities exist for Soviet citizens. At times major cities are open to transient tourists but closed to resident diplomats and newsmen—as Leningrad was throughout March 1969, and most of Siberia has been since.

In all tourist hotels, as well as in every foreigner's Moscow apartment or office, there are microphones, not all subtly hidden. Sometimes, the bugging produces farce. When a recent American visitor reached his Rossiya Hotel room and asked me about possible laundry and dry cleaning, a maid swiftly appeared at the door to inquire: "Do you have anything to wash or iron?"

It is less amusing when a visiting television producer, whom KGB men from the Novosti press agency are trying to blackmail, is told late one afternoon in the Moscow woods at exactly what hour we expect him for dinner and what other guests have been invited.

Telephones are tapped continuously—normally on tape, occasionally with a live monitor. The tape is apparently audited every few days—judging from my wife's experience in picking up the dead phone and complaining that the instrument was continuing to beep even with the receiver down. Three days later, it stopped. When the monitors are on, you must shout, and the other party seems to be on Mars.

PRIVACY DIFFICULT

All phones of foreigners and licensed Russians are linked into common circuits. To talk to an unofficial Russian, therefore, discreet foreigners will try calling from a toll booth—although not those near the compounds, which are also tapped. However, the homes and phones of suspected dissidents and intellectuals generally are also bugged—so sometimes they will prefer calling you from an unlisted pay station. Names are rarely used.

Recently, the KGB has developed a new system for dealing with such brazen attempts at private life. The Russian calling you from a toll booth gets through only on the third or fourth try. What with busy signals and dead lines, this can take 10 or 15 minutes—enough time for the KGB to trace the toll booth, tap the call and put a trail on your caller.

Resident foreigners are not followed so much as they are surrounded. The indispensable local helpers—secretaries, translators, photographers, drivers, housemaids, repairmen, movers—can only be procured through a misnamed "Service Bureau" controlled by the KGB.

All its employes are subject to periodic interrogations. Many are decent people and some fall ill after such humiliating sessions. A Russian helper who is too helpful, friendly or loyal to his foreigners is removed from the service. Some, however, are only too eager to report, or invent, anything.

The material thus assembled by the KGB is often fed to the Soviet press, which is used to warn foreigners (and their Soviet acquaintances) by means of abusive personal attacks.

Since most foreigners spend nearly all their time in one compound or another, with other foreigners, officials, semi-officials or local employes, the KGB has little need to trail them in the obvious way. However, when a foreigner does try to break out of "the first circle," the secret police is ready. If he tries to elude surveillance by taking a cab, the KGB often has special taxis and other follow-cars, ready outside the compounds.

One young woman, who had acquired too many Russian friends, was in an apparently ordinary taxi when it suddenly pulled over to a curb, where two KGB men jumped in from either side. They drove her to a room laden with food and drink, which she refused to touch, and then grilled her for four hours. She wisely left Moscow by air two days later. But even before she had left, the Moscow "fink" network was spreading the tale that she had been photographed in bed with a Russian.

THE SQUEALERS

The finks are a special danger, which some foreigners recognize too late. Some are "licensed" Russian pseudo-intellectuals, some belong to the world of so-called underground art, some are members of Moscow's permanent foreign colony. For various reasons, they have chosen to aid the KGB in return for special privileges—the ability to meet foreigners, obtain hard currency, travel abroad, live outside the compounds.

The genuine Russian intellectuals, from sad experience, know the finks better. I shall never forget the fear which suddenly pierced the face of novelist Vassily Aksyonov, to whom I had just been introduced at a mammoth reception, when one such person moved in on us. Aksyonov excused himself quickly, and I never saw him again.

Such, then, is the atmosphere of peace and friendship which the KGB unofficially provides for the foreigner. Official treatment is scarcely better. The Soviet Foreign Ministry Press Department controls, rather than informs, correspondents. Its employes spend most of their time minutely scrutinizing the correspondents' reports and whatever material the KGB may make available. To telephone news queries, their usual replies (if they answer the phone at all) are "read Pravda" or "we have not been informed."

CALLED FOR WARNINGS

Most correspondents are invited to the heavily guarded Ministry only for admonitions, warnings or expulsions. A few friendly collaborators from the permanent colony, however, are called in at strategic moments to be told "off the record" that the Warsaw Pact maneuvers are "strictly routine," that reports of re-Stalinization are "completely false," and similar fables.

Now and then the Department's sleek, agile chief, Leonid Zamyatin, calls a press conference to push some particular Soviet line. After his statement, questions from serville Soviet, Bulgarian, Polish and East German correspondents are favored. Westerners' questions are evaded. But when the question is embarrassing, the normally unflappable Zamyatin does not hesitate to rage at the questioner, sometimes before a live television audience.

News conferences arranged for officials of other ministries and agencies are even less rewarding. Most of these bureaucrats are less worldly than Zamyatin, begin with long reports largely repeating what has been in the papers for weeks, and answer only written questions, carefully screened by Zamyatin or an aide. Quite a contrast to the days when Khrushchev regularly sought out foreign newsmen for banter and arguments—not to mention the revolutionary days when Lenin phoned them personally.

NEWS-BUYING RACKET

The wretched performance of Zamyatin's office and the rising power of the KGB have led to a singular Soviet racket. Desperate Western media executives, nervous about domestic rivals, compete to buy news and services from the Novosti agency, which handles Soviet propaganda abroad. A 40-minute talk with a medium-level official costs $50, "escort" service on trips outside Moscow $30 to $50 a day, plus special charges. Western television networks paid $500 each last month to have Novosti cameramen photograph the TU–144 supersonic airliner.

Foreigners who regularly prime Novosti's propaganda pump are rewarded with inside tips—often accurate though rarely earth-shaking, such as when the Central Committee may be meeting next. Very often, however, the tips are KGB plants—as when Novosti men last October signaled that Kosygin was about to resign.

Similar mixed blessings are dispensed by Victor Louis, a Soviet citizen who does not bother to conceal his affiliations. Nominally a correspondent of the London Evening News, he is also on the hard-currency payroll of perhaps half a dozen other Western bureaus in Moscow, who chalk him up as "special research services." Sad to say, apart from information published in the Soviet press, the great majority of what emerges from Moscow as news from "Soviet sources" originates with either Louis or a Novosti tipster.

BLIND KITTENS

Ironically, however, these and other disabilities imposed on foreigners are less grave than those the Kremlin rulers impose on the Soviet peoples, and on themselves. According to Khrushchev, Stalin warned his heirs that without him they would be "blind kittens." He was right. For Russia's Orwellian nightmare state not merely keeps the ordinary Soviet citizen incredibly ignorant, but ends by blinding the Soviet leaders—Stalin in his own time, the current group even more.

It is not merely the inquisitorial censorship, the jamming of foreign broadcasts, the Iron Curtain barring travel, the ubiquitous presence of the KGB and similar "administrative measures." It is, rather—in the opinion of many observers—the crude, total, saturation propaganda of the Big Lie and bigger silence, the atmosphere of sycophancy, bluff, flattery and mutual self-deception in "higher circles" which help lead Politburo mediocrities to accept and perpetuate such nonsense as Lysenko's biology or (lately) Jim Garrison's Kennedy "plot."

Khrushchev had the peasant good sense to venture out, to travel widely at home and abroad, to elicit, even provoke contrary opinions from uninhibited foreigners. Nearly all the men who deposed him (Shelepin may be an exception) seem to be stay at-homes by choice, who prefer to sit with one another around the familiar green baize tables in the Kremlin and at the moldy yellow Central Committee building on Staraya Ploshchad. More than half the Politburo members and alternates have never spent as much as a month in the West in all their lives.

The results of such self-inflicted blindness were apparent not only in the political botch during the invasion of Czechoslovakia, but in the Middle East a year earlier—when Brezhnev, Kosygin and Podgorny cruised for three days on a destroyer in the Gulf of Finland on the very eve of the war.

Czechoslovak, Yugoslav and Italian Communists have reported amply on the coarseness and cynicism of "Lyonka" Brezhnev, "Petka" Shelest and some of the other leaders. Two anecdotes from our experience illustrate how, personal qualities aside, the system itself may be their worst enemy.

A sculptor encountered at a Moscow cocktail party had recently been compelled to deal at some length with Pyotr Demichev, the Central Committee secretary in charge of culture. What sort of a man was Demichev, foreigners eagerly asked. Was he liberal, conservative, Stalinist?

"He is absolutely nothing, nothing," the sculptor replied. "He has no views of his own whatever."

Then how does he make decisions? "He listens to his advisers," the sculptor said, naming several rising *apparatchiki* in their late 30s and early 40s.

What are the advisers' views, then? "They have no views either. They know less about art, literature or music than a provincial high school student."

In that case, how do the advisers know what to advise Demichev? "Very simple," the Russian replied, wiggling his nose and cocking his ear. "They sniff the political winds."

PERMISSION DENIED

On the other hand, Ekaterina Furtseva, the Minister of Culture and briefly an alternate Politburo member under Khrushchev, is a woman of some cultivation. A playwright recently spent three hours arguing with her for permission to accept an invitation to the West. They had both screamed and cried in Russian fashion; they had gotten on well for years, she liked his writing, but the answer was no and she could do nothing about it.

But why, a friend asked him, is she not the Minister of Culture? "Yes, but there are others above her."

Is a simple trip abroad such a big decision? "Yes, in our country it is a very big decision—top level."

But if she likes your writing so much, why at least didn't she attend the premiere of your play? "She wanted to, but she was afraid."

Furtseva afraid? If even she is afraid, who then is not afraid?

"Ah," the writer said, "at last you are beginning to understand Soviet Russia."

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[From the Washington (D.C.) Post, June 15, 1969]

RUSSIA TURNS BACK THE CLOCK—DISSIDENT COUPLE FEELS CONSTANT KGB PRESSURE

(By Anatole Shub)

Giselle Amalric is a tall, slender tatar beauty who would make eyes turn on Fifth Avenue, where she might be taken for Balanchine's freshest ballerina. With her jet black hair, fair skin, deep almond eyes and modest natural grace, she is herself, at 25, a more miraculous work of art than any she can ever create. Giselle is a painter, and has been painting portraits, mostly of foreigners, ever since her husband Andrei, 28, a dissident historian, was barred from serious work by the KGB. Giselle's portrait of Sherry Thompson, the former American ambassador's daughter, is now in the Thompson's home in Washington, a gift from his embassy colleagues.

Of all the human beings we met in Russia, Giselle touched us most deeply—especially my wife Joyce, who saw her far more often, and whose fate cross the Amalric's at a dramatic moment on the evening of May 7, 1969. Giselle took Joyce to two or three other studios of underground artists, abstract or semiabstract. These then passed her on—in Moscow underground-railway fashion—to still other painters and sculptors, and to various open, allegedly "private" exhibitions and abortive public ones (closed by the KGB minutes after they had opened). So this story is mainly from Joyce's notes even when she is not directly quoted.

But first a word about Andrei. Slight and frail, hollow under the cheekbones and ribs, nearsighted, he is smaller than his father or his grandfather, whose pictures we saw. He was born in the war years, underfed in the postwar years, orphaned at an early age, had already spent two years in Siberian exile—and had the coolest political mind I encountered in Russia (perhaps because an ancestor came from France with Napoleon's Grande Armee).

We rarely talked about current events—Czechoslovakia, will-Brezhnev-last and the like. Nor did we talk much about the persecutions of Yuri Galanskov, Pavel Litvinov and other fellow democrats. Instead, Andrei liked to ruminate (over Giselle's strong, hot tea) on Russia's tragic history, the contradictions of his culture, the indefinable essence of the national character.

I recall, for example, Andrei's clinical dissection of the classic history of Russian civilization by Prof. Paul Miliukov, the Constitutional Democrat who became foreign minister after czarism fell in March, 1917. "Miliukov proved," Andrei said, "that the territorial expansion of the Russian empire went hand in hand, for centuries, with the suppression of Russian freedoms. But then he imagined that he and his liberal friends could fix everything simply with a Western constitution. And, when he became foreign minister, the first thing he did was reaffirm czarist claims to Constantinople!"

TROUBLE AT SCHOOL

Andrei's passion for historic truth caused his first troubles. At Moscow University, he produced a dissertation which showed that many of the cultural glories of the 9th century Kievan Russia had not been immaculately conceived, through the unique genius of the Slavs, but came directly from the higher civilization at Byzantium. The Party line was just the reverse. Andrei's professor, impressed by his research, suggested that he submit merely the dry facts and omit his "controversial" conclusions. Andrei refused. The professor declined to approve the dissertation. Andrei protested—and was expelled from the university.

When, outside the university, he began associating with other young rebels, the KGB moved in. Andrei's room was searched and he was exiled to Siberia, allegedly for possession of pornography. Giselle went with him.

Late one winter afternoon, Giselle told Joyce "how her father had moved to Moscow after the war to find work. How the parents and five children lived in one room. How her mother would check if the children were asleep before going to bed with her father. How the Moscow children taunted her: 'Tatarka, Tatarka.' and stained her skirt. How, soon after she met Andrei, he was sent away.

"She told her parents she would join him. But he was Russian. 'If you go,' her father said, 'never come back again.'

"She went anyhow. In Siberia, they decided to marry, but the license cost 1.50 rubles, and they had no money. So they went to a nearby kolkhoz and both worked all day and earned two rubles. They were married, and had 50 kopecks left over to buy sugar for their tea . . . "

For a while after they returned from exile, Andrei could do freelance writing, unsigned, on safe historical and cultural subjects. But, after he began appearing outside the courthouses where other democrats were being tried, this work was cut off. The KGB tried to get him on charges of parasitism, or unemployment. But he found a job delivering newspapers (salary: 22 rubles monthly) and later became secretary to a blind man.

LIVE IN OLD BUILDING

Andrei and Giselle lived in an old, probably pre-Revolutionary apartment house in the Arbat section—just behind the glass-fronted Kalinin Prospect skyscrapers (still not quite completed) which impress visitors with the modernity of the Brezhnev era. Like most Soviet city dwellers until recently, they lived in a "communal" apartment—where half a dozen families, one small room each, share a common kitchen and bath. Among their neighbors, one was tepidly sympathetic, two were nasty busybodies, and the woman next door was an alcoholic.

Nevertheless, the little crowded room in which Andrei and Gisselle lived was an oasis of taste and integrity, especially for Joyce: "After a while, I no longer noticed the six bells on the front door of what was once a five-room apartment. I stopped noticing the peeling plaster in the long corridor, the steamy communal kitchen on my right, the black pipes and broken enamel in the bathroom, the loud conversations of the families living behind each closed door.

"Their room was at the far end: a bed, three chairs, a piano from Andrei's grandmother, a clothes closet, two bookcases, an old typewriter, a radio-phonograph, a small desk which also served as dining table. But once I was inside, I could look all around, up and down three walls at their small, fine collection of modern paintings—all by unofficial Russian artists, including two of Giselle's best—and forget the 'realism' beyond the door and outside the window."

The pressure on the Amalrics mounted with the arrest of Pavel Litvinov and other friends. In Giselle's dreams each night, she was a hunted animal, pursued by riflemen or Siberian wolves. She painted more and more quickly—she did Joyce, my son Adam, Allison Kamm, daughter of the New York Times bureau chief, diplomats' wives, anyone else we could send her way—to scrape up enough money to escape the Moscow nightmare.

They found a small country shack, without heat, running water or electricity, where they hoped to move for the summer. Even there, KGB men began "asking around." But in Moscow, Giselle explained, the strain was simply too great. Whenever Andrei went out, she never knew if he would be "taken" and never return. In the country, Andrei could paint the roof and she would wash their clothes in the stream and wring them out on the rocks. So they stocked up enough sugar, flour, rice and fat to last the summer, and prepared to leave on May 8. The evening before, Joyce dropped in to say goodbye:

"I rang the bell as usual. Andrei came to the door, and there was another man, too. I thought the other man was on his way out. But suddenly the door closed behind me, and the man was behind me, too. 'Worst time,' Andrei whispered. Along the dark corridor, I wondered why. And then I opened their door—oh God!

"Their books and papers and records were strewn all over the floor. Giselle was by the window, all white with large frightened eyes. Seated at the desk was a stranger writing, and behind Giselle was another man, half-smiling. Leaning on the piano were two dirty, sullen thugs.

"I propelled myself toward her and kissed her on the cheek. 'What's the matter?' She just looked around and said nothing. Andrei put his arms around her shoulders . . ."

QUESTIONED BY POLICE

So my nonpolitical American wife, who had come to Russia to see Oistrakh play and Plisetskaya dance, was questioned by the KGB—who was she, what was she doing there. Terrified, she at first tried to conceal

her identity, then finally produced a driver's license. They had said at first that they would release her once she had identified herself—then made her wait until someone from the Foreign Ministry arrived. She waited outside, under guard, in the corridor—she could not bear to see Giselle frightened and their room full of police.

"What's going on?" Joyce asked one guard. "What have they done wrong?"

"You don't know?"

"I know that she is a very good painter. She did my portrait."

"An abstract?" The KGB man smiled cynically. Joyce felt ill.

Suddenly the bell rang. The policemen looked at each other. In came Henry Kamm with his 12-year-old daughter. Joyce leaned straight against the wall to let them by. Henry's half-smile of recognition turned serious: "What's going on here?"

"What are you doing here?" one of the agents demanded.

"We have come to say goodbye. My daughter brought them some chocolates because her portrait was painted and she liked it."

"Where are the chocolates?"

Allison went into her small shopping bag and brought out a pretty box of chocolate.

"Is that all there is in there?" The girl turned her bag upside down.

"All right," a KGB man said, "give us your identification and just wait. All of you, get inside the room. You're disturbing the neighbors out here. Inside!"

Andrei came out. "You cannot order them into the room. These are my friends and I will invite them. This is still my home." He looked at Joyce, Henry and Allison. "Please do come in. Giselle will make us tea, as always."

The man from the Foreign Ministry ultimately arrived and began going over the same questions. Giselle brought tea, opened up one of the packages of sugar, put it in a decanter and served it. The two toughs were still leaning on the piano. Henry asked who they were. "They are the official witnesses to the search."

PREPARE DEPOSITIONS

The man from the Ministry began trying to compose an official deposition for each of the visitors. There were arguments about what language it would be in, and who would compose it.

"My friends," Andrei said, "I just want to give you some advice. It is not necessary to sign anything in any language if you don't want to."

The man from the Ministry was irritated: "Why do we need that outburst?"

"These are my friends," Andrei said, "I want to inform them of their rights."

"Are they diplomats?"

"No."

"Fine," the Ministry man said, "let's search what's in their pockets." (Diplomats are immune from official searches, but private citizens are not.)

Joyce began emptying her bag—lipstick, hairbrush, bath lotion, cigarettes. Henry was much calmer. ("You forget," he later explained. "I grew up in Nazi Germany.") He refused to be searched unless an American Embassy officer came to witness the proceedings.

"All right," one of the KGB men *said*, "let's forget the search and get on with the deposition."

Some 10 minutes later, Joyce was able to leave, taking Allison downstairs with her: "I kissed Giselle, I don't know how many times. Andrei, with a guard, walked us down the long dark corridor to the front door. I kissed him goodbye and he whispered: "I think we'll meet again."

"I cannot write their story," Joyce wrote a friend next day. "I know the broad outlines, the facts, but I don't know the fear they live with each day. How they stand above the swamp, with their shoulders back and their eyes full of affection? How did it ever occur to them to try and live as two proud, honest human beings? And where did these two young, slender people ever get the courage to live every day committed to a sense of beauty and human dignity—with their phone tapped and two microphones hidden in their one little room?

"I don't know yet if they were arrested or let go. But even if they are let go this time, there will be another 'search' and another Siberia—if not next month, then the month after."

OTHERS ARRESTED

On the day the Amalrics' room was being searched, their friend, Maj. Gen. Pyotr Grigorenko was arrested in Tashkent—where he had gone in solidarity with Crimean Tatars on trial. A few days later, Ilya Gabai, a Tatar intellectual in Moscow, also was seized.

A few days after that, the KGB got to work on Joyce. They operated through some of Moscow's best-known underground artists. Some may be finks but most were probably too frightened to refuse cooperation with the secret police—so that initials will be used here instead of actual names.

I was away in Yugoslavia, due back Monday evening, May 19. The preceding Thursday, the phone rang at 9:30 a.m. In English, a Russian voice said clearly: "Joyce, I'm D.B. We met at M.'s studio. I'm from Leningrad. Remember?"

She didn't at first. Then she recalled a giant with long curly hair and a black beard, whom she had actually met at the studio of another painter, R., a reformed alcoholic whose talent had been destroyed. ("When I drank," R. explained, "I couldn't do anything. But since I've stopped, there seems to be no point in doing anything. I do just enough to buy bread.")

The man with the beard had left R.'s studio with Joyce and offered to take her to see M.—even better known among diplomats and the collectors of Moscow's permanent colony. "Yes, I do remember," Joyce told her caller, "you have a beard . . ."

"I want you to see some of my own paintings," D. B. said.

"Fine—sometime next week."

"No. I go back to Leningrad Sunday. Either today or tomorrow."

Next day at one o'clock, Joyce suggested.

"No," D. B. said in Russian, "after two. At the Byelorussian station, Goodbye."

Joyce put down the phone shaking: "This had never happened before. No painter had ever called me to come over except L. Z., who was quite official and even allowed to go to Paris. No painter had ever given his full name on the phone. To each one I wanted to see, I had to be brought by someone he trusted. And to meet in the railroad station—where in the station? and 'after two'—when after two—2:15, 3 o'clock, 4? What's more, he had given me his address when I first met him—it was a Moscow address, not a Leningrad address. And why did it have to be before Sunday, when Tony gets back Monday night?"

WARNED BY A FRIEND

Fortunately, one of the few Russians she trusted completely came by that day. "Don't go, Joyce," he said, "it's a provocation."

He recalled the numerous cases in which foreigners had been lured to interrogations, doped or drugged, photographed in compromising poses contrived by the KGB, subjected to blackmail of various kinds.

So the next day, Joyce went off to see some Americans in the morning and returned home at 2:30. The maid said a Russian had called four times.

The phone rang again soon afterward. This time it was A. F., one of the best-known "unofficial" painters—much of his work has been exhibited abroad. A. F. is middle-aged, solid, normal, sober, and a steady worker. He paints every day from 9 to 2, and sells as efficiently as he paints.

"Can you come to see me?" A. F. asked Joyce.

"Of course. How about next Monday?"

Joyce heard A. F. say to someone else: "Only next Monday." Then, into the phone to her: "No, that's too late. Can't you make it before Sunday night?" Once again, the Sunday deadline.

She said she would call back Saturday and let him know. A bit later, the babysitter informed Joyce that the night before, there had been two other calls from what she described as "idiot painters." But A. F. was hardly an idiot or a fink.

A Russian girl friend came by. "Don't go." she advised.

"But A. F. is so well known. He couldn't be put in the position of provoking me," Joyce mused.

"Why not? He's not all that famous. And you don't know how they want to provoke you. It's a very easy thing to get someone, even A. F., to get you to come over."

OFFICE IS SEARCHED

Later in the day, going over to The Washington Post office for some mail, Joyce noticed that it had been searched—desk drawers and file cabinets open. In the evening, yet another painter phoned. This time it was the wife of M., who was also a painter in her own right. She told Joyc that a friend, a girl from a Western embassy, had promised to visit her studio but had not appeared. Could Joyce please provide her phone number? After all, Mme. M. had spent the whole afternoon waiting.

Funny, Joyce thought, Russians never complain of waiting—they go anywhere and wait anyplace, two hours means nothing to them. Mme. M. had been at home in her studio—hardly a great inconvenience. And why did she use the phone, and give her full name and patronymic?

Saturday morning, Joyce called A. F. at 11. Why did he have to see her so urgently? He could not say.

"Must I really come before Monday?" she asked.

"Well—Monday morning would be all right." (Strange—he always worked in the morning, and permitted visitors only after lunch.) Joyce said she would try to make it around noon.

And then the embassy girl came, pale and tense: "I didn't go to Mme. M. because I was followed the minute I left the compound. I tried to lose them by stopping at the bathroom in the Rossiya Hotel, but they followed me there, too. So I decided to come home."

The girl was frightened. There had been a new wave of attempts to blackmail diplomats from other embassies, and Alice—who had recently accompanied her and Joyce to a private exhibition—had just been forced to leave the country.

Joyce decided not to see A. F. at all. But later that Saturday the phone rang again.

"This is D. B."—the blackbeard who had started it all—"Why didn't you show up?"

"I couldn't," Joyce replied. "I'm afraid that, since you're leaving tomorrow for Leningrad, I just won't be able to see your paintings."

"That's all right," said D. B. "I've changed my plans. I won't leave until Wednesday. Why don't you come Monday morning sometime?"

Joyce stayed home, or with trusted friends, until I returned on Monday evening. The phone calls ceased Monday morning. Next day, I was invited to the Foreign Ministry where, on Wednesday morning I was ordered to leave the Soviet Union within 48 hours. After my departure, Joyce was under constant, intensive surveillance until her own departure with the children a fortnight later.

On June 12, the government newspaper Iz-

vestia, in an article signed "K. Petrov" (probably a KGB pseudonym), accused me of "carrying out antigovernment agitation among Soviet citizens" by meeting with "certain persons whose activity is of interest to our investigative and judicial organs." The attack said I used Joyce for such meetings, alluded to her visit at the Amalrics' apartment and made much of her frightened brief attempt to conceal her identity.

"K. Petrov" also saw fit to attack as "emigre rabble" my father, David Shub, 81, a lifelong Social Democrat who escaped from Siberian exile to the United States in 1908. He laughed when I told him that Izvestia had called him an "arrant Trotskyite"—for he knew Trotsky quite well before 1917, and detested him even more than he had mistrusted Lenin in Geneva years earlier.

We do not know whether Giselle and Andrei have safely reached their country shack, or have been "taken." We do know that they promised to come into Moscow for the traditional July 4 reception at the American ambassador's residence—to which they have always been invited ever since Giselle painted Sherry Thompson's portrait. If they are free, they will surely come.

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[From the Washington (D.C.) Post, June 16, 1969]

RUSSIA TURNS BACK THE CLOCK—NEW STALINISTS FAIL TO BREAK THE SPIRIT OF SOVIET LIBERALS

(By Anatole Shub)

The United Nations proclaimed 1968 "Human Rights Year," and the KGB, Russia's secret police, began its celebration early. In January, two young democrats, Yuri Galanskov and Alex Ginsburg, were placed on trial. Another young man, Alexei Dobrovolsky, had decided after a year in prison to turn state's evidence, and in his testimony disclosed the larger aims of the KGB and its political sponsors.

"I was brought up to worship Stalin," Dobrovolsky said. "It was the de-Stalinization campaign, and the mistakes of Khrushchev that turned me bitter against Soviet power."

TOO LATE TO GO BACK

Slowly but inexorably over the past four years, Khrushchev's successors (nearly all of whom entered the Central Committee at Stalin's 1952 Party Congress) have sought to restore the "glories" and "security" of the old Stalin days. They have sought to silence the basic questions about the Soviet system that Khrushchev had, perhaps inadvertently, raised at the 1956 and 1961 Party Congresses. The tempo of re-Stalinization and repression has quickened since 1968, particularly since the invasion in August of Czechoslovakia.

However, most serious Moscow observers believe it is too late, and too dangerous, to go back to full-blooded Stalinism, under which a fourth of the population, including millions of Communists, perished or spent long years at forced labor. The de-Stalinization of 1956–64, as well as the brief "openings to the West" symbolized by the "spirits" of Geneva (1955), Camp David (1959) and the Moscow test-ban treaty (1963), left indelible traces on the minds of Russia's educated younger generation.

The official effort to turn back the clock has attracted greater attention than the considerable resistance to it, or the signs that each new repression and especially the Czechoslovak tragedy, have made more and more Soviet citizens lose hope of peaceful reform "from above." In short, re-Stalinization—like the autocracy, orthodoxy and Russification of Alexander III (1881–1895)—appears to be sowing seeds of revolution.

Already, the repression has begun to create, as Czarism did a century ago, a pantheon of heroes and martyrs among the revolutionaries—most of whom were loyal critics, at most, of the regime in Khrushchev's day.

THE TURNING POINT

The major turning-point was, surely, the decision five years ago to arrest the writers Andrei Sinyavsky and Yuli Daniel, who were tried and condemned to years at forced labor in February, 1966. The criminal prosecution of Sinyavsky and Daniel took place despite protest petitions and letters signed by virtually every important intellectual in Moscow—and, according to unimpeachable sources, against the contrary advice of Mikhail Suslov, the Kremlin's veteran ideologist.

Suslov argued that the writers should be punished only by political means—such as expulsion from the writers' union—as Boris Pasternak had been, because of "Doctor Zhivago," in 1958.

The Sinyavsky-Daniel trial not merely began the process of disillusion among older loyal liberals and young writers, but created directly a revolutionary heroine of qualities which Western propaganda agencies, with all their millions, could never have dreamed of finding and building up synthetically.

The heroine is Daniel's wife, Larissa, who began by taking the notes on the trial of her husband and Sinyavsky which were summarized for foreign newsmen at the time and which young Ginsburg then put together, with other documents, in the famous "white book" on the trial. When Larissa began visiting her husband at the Potma concentration camp (often trudging 10 miles through mud to reach it), she was quick to report maltreatment of Daniel and other political prisoners, and the hunger strikes and other actions they had undertaken to obtain their legal rights.

MODEST AND GENTLE

Larissa surprised me when I first met her outside the trial of Ginsburg and Galanskov. I had expected an embittered, hard person of passionate intensity, somewhat in the mold of Rosa Luxembourg or La Passionaria. Instead, Larissa proved to be a frail, soft-spoken woman of unusual gentleness, modesty and simplicity.

A Swedish colleague asked her why she was risking trouble for herself when her husband was already suffering at Potma. Larissa looked at him a moment, uncomprehending, then shrugged her shoulders and answered very quietly: "I cannot do otherwise."

Both Larissa and Pavel Litvinov (a stronger, bolder person) knew they were certainly risking their jobs, and possibly their freedom, in issuing their famous denunciation of the Ginsburg-Galanskov "witch trial." But they could not have lived with themselves had they remained silent. I shall never forget Pavel whispering in my ear just after the convictions were announced, reminding me that Galanskov had written in his underground magazine Phoenix 66: "I know we shall lose the first battles, but I am equally sure we shall ultimately win the long hard struggle to establish democracy in Russia."

KNEW OF RISKS

Larissa and Pavel were equally aware of the personal risk when they went out on Red Square last Aug. 25 to demonstrate against the invasion of Czechoslovakia. They were not alone in recognizing that the fate of Czechoslovak democratization was crucial for the destiny of Russia itself. Virtually the entire Moscow intellectual community, and even some Intourist guides and Soviet journalists, placed huge hopes in the "Prague spring"—and were profoundly distressed when the Kremlin decided to crush it.

Yet the resistance of most of the intellectuals, inured to fatalism and a tragic view of life, was private and passive. Many refused to sign even the vaguest statement of approval of the Kremlin's act. Yevtushenko sent telegram of protest.

Larissa, Pavel and a half-dozen selected friends chose actively to bear witness. For they believe profoundly that the liberation of the Russian people from despotism must begin with the self-liberation of individuals from the oppressive fear through which Stalin held Russia in thrall for a quarter of a century. By setting examples of personal courage as well as integrity, the new revolutionaries expect, as did their forebears a century ago, to inspire or to shame others into stepping forward—and they have.

Larissa, Pavel, Gen. Pyotr Grigorenko and their comrades are determined, by all legal non-violent means, personally to confront and expose the contradictions of the Brezhnev regime. All their activities have been designed to dramatize the contrast between the letter of Soviet law and the arbitrary, unscrupulous reality of KGB–MVD practice, between the promises of de-Stalinization made at the 1956 and 1961 Party congresses and a Kremlin policy striving plainly since the winter of 1965–66 toward re-Stalinization.

The rebels' strategy of peaceful confrontation is aimed only secondarily at world public opinion generally, or at foreign Communist Parties in particular (although it has had great influence on the Italian and French Parties). The more important aim is to stir the consciences of Soviet citizens—even if this must perforce be accomplished mainly through the reports of Western newsmen in Moscow, beamed back to Russia by foreign radio.

The expulsion of two Western correspondents in the past eight months, and the continuing harassment of others, stems largely from the fact that we had been reporting the protests and demonstrations of democrats whom the regime likes to represent as "common criminals" and "psychopaths." Believers in older creeds would consider many of these people, and notably Larissa Daniel, to be saints. They are certainly the finest, bravest people I met in Russia.

In their struggle against unequal odds, a struggle to maintain integrity as well as to confront the regime's contradictions, the new revolutionaries have not hesitated to challenge even the meanest abuse of Soviet laws and regulations. Yuli Daniel, in his more than three years at the Potma camp, has led one protest and hunger strike after another against illegal ill-treatment of fellow prisoners, denial of guaranteed visiting privileges, interference with the prisoners' mail, diminution of food rations, and other infringements of official regulations.

GINSBURG'S HUNGER STRIKE

Other political prisoners, condemned in Moscow and Leningrad in the secret trials of the past two years, have joined him in these efforts—and made their protests known, through friends still at liberty, to the United Nations, Western Communist Parties and the world press.

Alex Ginsburg, also at Potma, began a personal hunger strike last May 16 in protest against the authorities' persistent refusal officially to register his common-law marriage—and thus permit the woman he loved to visit him once a month, as wives and husbands, children and parents are authorized to do by Soviet law.

Larissa Daniel, sentenced to Siberian exile, has made no protests. But friends who went to visit her in May were shocked by her silent martyrdom, and impressed by her fierce insistence on maintaining her dignity.

Larissa, who had already spent months in Moscow's historic Lefortovo Prison, arrived last Dec. 31 at a little settlement of 1500 people called Chuna, which had arisen a decade ago on the site of a forced-labor camp dismantled under Khrushchev. Chuna is some 150 miles west of Bratsk, location of the great hydroelectric power station.

When Larissa arrived, after the slow, hard journey across Siberia, there was no place for her to stay. She was put up the first two nights in the unheated MVD prison. The

temperature then was 50 degrees below zero centigrade (68 degrees below zero fahrenheit).

LIFE IN EXILE

In exile, which is a milder form of punishment than forced labor, the only legal restriction on the prisoner is on movement outside the designated area.

In benighted Czarist days, Lenin hunted, fished and wrote his most serious books in exile at Shushenskoe in Siberia. Trotsky, Stalin and other revolutionaries also found exile a not altogether unpleasant experience—and many of them managed to escape, some several times.

Exiles today are obliged to find work with the help of the authorities—and some have obtained more or less dignified employment. Pavel Litvinov, a physicist by profession, has been working as an electrician in a coal mine in the Chita region. Friends say Pavel, who is 31 and physically strong, does not mind the work and is greatly respected by the miners, for he is the first "political" they have ever met.

Larissa, however, is a translator (English, French, Polish, Czech) and there are no publishing houses in Chuna. Teaching school has been prohibited to exiles, (since Czarist times) for fear that they might "infect the younger generation." So the MVD gave Larissa a job as an apprentice joiner in a timber factory. Her actual work was hauling lumber, six, seven and eight feet long, from the yard outdoors into the factory. The timber, wet from the snow outside, was twice as heavy.

LARISSA'S PROBLEMS

Larissa did this work for four months, from January to April, and then could not go on. She had developed severe gastritis, and a recurrence of old liver troubles. She was losing weight rapidly. The local doctor told her: "You cannot go on with this work. It will kill you." She went to the local MVD, reported the doctor's diagnosis, and asked for other work.

In the window of the local post office, Larissa had seen a notice saying that a postman was needed for mail deliveries. The mail sacks would be heavy, Larissa thought, but deliveries would be only twice a day and the work would be easier than in the lumber yard. Alternatively, she asked for a job inside the timber factory assembling window frames—which was not easy, but would at least be indoors, where there was heating. The local MVD turned down both requests.

When her friends from Moscow came to visit, they were shocked by Larissa's appearance and begged her not to resume work in the lumber yard. They offered to support her in exile, just as they had bought the small peasant house in which she lives. But Larissa is a woman of pride. She had worked and earned her own keep for twenty years, and she was not now—at 38—going to change her ways. Besides, without work, without her husband and 16-year-old son (whom she had ordered to stay in Moscow and continue his studies), life would be unbearable. There was also the risk, although many discounted it, that the authorities could further prosecute Larissa for parasitism or unemployment.

FRIENDS' PLEAS FAIL

Larissa's friends returned to Moscow and sought an appointment at the central Ministry for Internal Affairs. They reminded MVD officials that she was competent in four languages, and requested permission for translation work to be sent out to her from Moscow.

MVD officials took a typically Soviet ambiguous position. They said: "If you can find publishing houses in Moscow which are willing to sign a labor contract with her, then we would make no formal objection."

Friends and relatives tried for a month to find a publishing house willing to consider concluding an agreement with a political exile to do translations (as Lenin and his wife had translated works by Sidney and Beatrice Webb for St. Petersburg publishers). No Moscow publisher dared, in May 1969, give work to Larissa Daniel.

For the neo-Stalinist "vigilance" campaign in the press and culture had made even mild dissent in official media well nigh impossible. The campaign to "rehabilitate" Stalin was gathering force. His former victims, and the dedicated opponents of his dreadful heritage, responded by creating a remarkable underground press of their own.

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[From the Washington (D.C.) Post, June 17, 1969]

RUSSIA TURNS BACK THE CLOCK—NEW IDEAS CIRCULATED IN SECRECY

(By Anatole Shub)

At the Stalin shrine in his mountain birthplace at Gori, Soviet Georgia, a venerable guide told me in April, 1968, there had been 186,000 visitors the year before, mainly official delegations. However, she announced cheerfully, "we expect many more" in the future.

The official Soviet press has certainly been doing its best to help business at the late dictator's shrine. From pop weeklies like Ogonyok to elite Party manuals like Agitator, the official media have been active (particularly during 1969) in "restoring Stalin's place" as an outstanding military strategist, economic planner and friend of literature.

Victims, of Stalin's terror, formally "rehabilitated" under Khrushchev, have been condemned anew, while even supporters of the notorious geneticist, Trofim Lysenko, have again received official encouragement.

At the same time, the "new wave" writers of the Khrushchev period have been under unceasing pressure—and not merely the conscious de-Stalinizers like Alexander Solzhenitsyn.

Andrei Voznesensky, by nature no more political a poet than e. e. cummings, has not had a book published in three years and has been prohibited from traveling to the West for two years.

Bulat Okudzhava, whose sorrowful ballads would probably sell millions of records if the Kremlin permitted even one, has put poetry and music aside and is writing a novel on the Decembrist rebels of 1825. The novel is surely destined either for his desk drawer or for that unique Soviet institution, *samizdat*, or self-publishing, in which perhaps three carbon typescripts by the original author proliferate, reader by reader, into hundreds of copies passed from friend to friend.

Samizdat has become indispensable to thinking Soviet citizens as the Kremlin rulers have turned increasingly obscurantist and barred access to outside sources of information. They have restricted travel abroad, cut back cultural exchange programs, promoted suspicion of foreign tourists, and, upon invading Czechoslovakia, resumed jamming of foreign broadcasts.

Thus, samizdat, with its crowded onionskin pages, has come to perform the functions of a free press. In the last two years, the content of samizdat publications has been shifting radically from cultural to purely political themes—from banned literary works to protest manifestos and translations of foreign anti-Communist classics.

A remarkable samizdat effort was the "Chronicle of Human Rights Year in the Soviet Union," composed and distributed as the repression gathered force in 1968 and early 1969. The "publishers" and "reporters" of its six fat issues managed to assemble data and texts on arrests, searches, Party sanctions, trials, protests and demonstrations in Moscow, Leningrad, Gorki, Pskov, Kiev, Kharkov, Lvov, Riga, Talinn, Dubno, Obninsk, Novosibirsk, and the Potma concentration camp.

The pages of this chronicle, along with other samizdat texts, disclose not only the extent of the current "vigilance" campaign but also the character of the Soviet citizens and group waging silent, passive or active resistance to it.

MANY WITH REASONS

The protests of some groups come as no surprise—the strongly-knit Evangelical Baptists, the Ukrainian and Baltic intellectuals resisting Russification, Jews reacting against official "anti-Zionism," Tartars struggling to regain their Crimean homeland, writers defending their comrades Sinyavsky, Daniel and Solzhenitsym, the millions of former victims of Stalinism and their families.

Some of the episodes recently reported to samizdat publishers have been sensational, if difficult to verify.

From Novosibirsk came word that on the night of Aug. 25, 1968, slogans condemning the invasion of Czechoslovakia appeared on the walls of public buildings in Akademgorodok, the "Academic Village" in which thousands of the Soviet Union's most brilliant scientists are concentrated. (It is indisputable that the Kremlin was unable to persuade more than a handful of aging scientists anywhere publicly to approve the invasion.)

From Riga last winter came an even more disturbing report. Young Latvian nationalists, it was said; had raided a town police station and seized several dozen machine guns.

"Even if the claims of the raid are exaggerated," one Moscow dissident commented, "it is interesting that they have issued automatic weapons to the civil police." (Only picked KGB security troops and army soldiers in their garrisons have had them before.)

Yet, apart from the obvious opposition groups and the occasional sensational episode, three things stand out about the Soviet resistance or civil liberties movement.

REBELS ARE YOUNG

There is, first, the relative youth of the active rebels. With some prominent exceptions, most of those seized or prosecuted in recent years have been under 30. A high proportion have been university students, and among the messages of approval received by Pavel Litvinov and Larissa Daniel, after they had condemned the January 1968 "witch trial," there was even a letter from 24 grade-school children.

Second, there is evidence of an unusual solidarity among the rebels of various kinds in different parts of the vast Soviet Union, and between the active rebels and more cautious, "respectable" members of the Soviet scientific and cultural community.

For example, a Moscow samizdat publication recently reported the sympathetic critique by a group of Estonian engineers on academician Andrei Sakharov's 1968 blueprint for coexistence, which they thought underemphasized moral and religious needs. There are numerous other examples, such as the appeal by 99 Moscow mathematicians, including a dozen Lenin Prize winners, on behalf of their persecuted scientific colleague, Alexander Yessenin-Volpin (son of the great poet Sergei Yessenin).

Third—and most intriguing—is the degree to which both active opposition and doubt have already begun to penetrate what Communists call the "organs"—the agencies of repression such as the KGB, the MVD, the army and the "special" branches of the Party machine. The rollcall of rebels arrested, prosecuted or dismissed from their posts includes not only army officers and local Communist Party and youth officials, but former KGB investigators and the sons of serving KGB officers.

On lower levels, the doubts of many security agents about their activities are only too plain. They have been expressed in numerous dialogues with dissidents, some of which I have personally over-heard. Having seen the pendulum swing from Stalinism to de-Stalin-

ization and back to re-Stalinization, beset by conflicting demands for "vigilance" and "socialist legality," the KGB cadres are painfully aware that with each change at the top, medium-rank and lower officials have been made the scapegoats, while many Stalin intimates among the "big bosses" have emerged unscathed.

At higher levels, the situation is even more ambiguous. There is sufficient evidence to suspect that top intelligence and security officials—probably in the KGB, and MVD, but perhaps also in the GRU (military intelligence) and "special" department of the Party Secretariat—may be protecting and abetting oppositional movements, under the classic guise of infiltrating and "controlling" them.

WEST GETS PROTEST

The uninterrupted flow of samizdat manuscripts to the West (and thereby back to Russia by foreign radio) is a history in itself. Some of the pages of that history are perfectly straightforward, as when Russian democrats pass their protest petitions to Western newsmen outside courthouses.

But there have been numerous episodes, involving collaboration between Soviet and Western intelligence agents and informal understandings between police and dissidents, which seem to come straight out of the pages of Dostoyevsky and Conrad.

Certainly, many top KGB and GRU officers know better than to believe the optimistic pap presented in Pravda. To give but one first-hand example: the very day before my expulsion from the Soviet Union, one veteran agent complimented me on recent articles (officially labeled as "slanderous") and declared that the present leaders were "hopeless," that the situation would probably get worse for 10, perhaps 15 years until, finally and suddenly, "It will all be swept away."

He hoped that, with the urbanization and domestication of Russia's peasant masses, the revolution would come without violence—as in Czechoslovakia after Novotny fell—but feared that a devastating explosion was at least as probable.

DOUBLE GAME HINTED

There are, thus, grounds for believing that the Soviet security services may already be engaged in the same, classic double game as the notorious Fourth Department of the czarist Okhrana—which led to police informers assassinating numerous ministers and, ultimately, to a police-financed demonstration which set off the revolution of 1905.

Awareness of these complexities may well explain the gingerly manner in which the Politburo has approached the case of Lt. Ilyin, the army officer in MVD uniform who tried to shoot Brezhnev inside the KGB-guarded Kremlin gates last Jan. 23.

The political leaders' dilemmas are multiple and tortuous. Some of them were too deeply involved with Stalin's crimes and blunders to permit de-Stalinization to develop further, as Khrushchev had intended. On the other hand, other (notably Podgorny, Polyansky and Shelepin) were themselves too closely associated with Khrushchev—both in public de-Stalinization and behind-the-scenes patronage struggles—to permit too sharp a repudiation of the men and measures of 1954–64. This conflict of interest in the Politburo is reproduced a thousandfold in Party, police and propaganda offices throughout the country.

EX-PREMIERS SURVIVE

The broader dilemma goes beyond individual ambitions. It involves what one of Moscow's wisest diplomats calls "the Freudian blood oath" of Stalin's heirs: "Having killed the father (Stalin) and symbolically sacrificed one guilty son (Beria), the remaining sons, to insure mutual survival, vowed no further bloodshed among one another." The physical survival of four former Soviet Premiers—Molotov, Malenkov, Bulganin and Khrushchev—would support this analysis.

Every Soviet Communist knows that the blood purges of the 1930s—which claimed more than 700,000 Party members and more than 1000 delegates to the 1934 Party Congress—began with Stalin's demands for physical reprisals against a few minor oppositionists inside the party. Their opposition had, in turn, been stimulated by the harsh repressions of the security police and Stalin's Party agents in collectivizing agriculture. Once the terror machine started rolling, it spared neither Party cadres nor Politburo members.

Thus a return to the mass murders of the Stalin era is probably unthinkable to nearly all (if not necessarily all) the high Party, police and army leaders. Knowing this, Soviet dissidents have been willing to take risks and broaden their activities in the climate of what true Stalinists consider "half-measures."

TOP GROWS OLDER

At the same time, the self-preservation in high office of the "Class of 1952," can soon lead to collective senescence at the top. It has prevented a rejuvenation of the Party, police and army machines themselves. The aging Kremlin rulers can hardly appeal to potentially unruly youthful masses for "action from below," in the manner of Mao Tse-tung's Cultural Revolution. They lack the naturally authoritative personality who might stably preside over radical reforms "from above," as Marshal Tito has done in Yugoslavia.

In graver crises, decisive Russian rulers in living memory have combined political repression with far-reaching economic concessions. This was the policy of the last capable czarist Premier, Fyodor Stolypin, before he was murdered by a double agent and Rasputin's inept creatures took over. Similarly in 1921 Lenin, while suppressing political dissidence, inaugurated the liberal NEP or New Economic Policy, which brought seven prosperous years to which older Soviet citizens still look back as a golden age.

However, the present Kremlin rulers have failed to make the serious economic reforms which their advent seemed to herald. The Soviet economic mess is the fertile soil nurturing the seeds of revolution.

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## CARELESS EXPLOITATION OF NATURAL ENVIRONMENT

Mr. BAKER. Mr. President. I have recently read in the alumni magazine of the University of Tennessee an adaptation of a speech delivered in November of last year to the Tennessee Academy of Sciences by Dr. A. J. Sharp, professor and former head of the university's biology department.

In this speech Dr. Sharp addresses himself to the careless exploitation of our natural environment that has come about through the reckless application of scientific and technological advances. More importantly, however, he discusses with unusual cogency the pervasive social attitudes that are responsible for this increasingly dangerous situation and the kinds of broad changes that must come about in our individual and institutional thinking.

Mr. President, I ask unanimous consent that the article entitled "Can Man Survive in an Artificial Environment?" be printed in the RECORD.

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

CAN MAN SURVIVE IN AN ARTIFICIAL ENVIRONMENT?

(By A. J. Sharp)

One of the most serious concerns of mankind today should be the attitude of all men—especially scientists—toward the environmental crisis confronting society. When I observe the ignorance of, and apathy and indifference to, an ever-more-rapidly deteriorating environment in which our descendants, indeed, may not survive, I know that time for discussion is short and that time for action is overdue.

The seriousness of the situation is emphasized by a 1967 report of the Food and Agricultural Organization of the United Nations which states that per capita food production had failed to increase in 1965 in the world as a whole and had actually declined in the developing regions. I hope this dramatic message may help you to visualize the seriousness of our *most critical* problem. I say this advisedly, well aware that many would declare that inadequate control of the nuclear bomb constitutes our most dangerous problem.

Even though we may properly control the use of atomic energy and survive, we have no guarantee of more than a subhuman standard of living unless we either retard human reproduction or more rapidly increase production of foods, particularly proteins, or preferably both.

The mechanisms for doing both are well-known in most educated societies, but they are rejected or not applied more widely because of the ignorance, tradition, and natural conservatism in the less developed countries, and the ofetn more subtle influences among the more enlightened. It is these frames of mind that I wish to examine with you.

TECHNOLOGY CONFUSED WITH SCIENCE

Members and friends of the scientific community are assumed to be educated and, more important, intelligent. Yet there is a frame of mind among them (also present in society in general) which confuses technology with science and, worse yet, assigns to practitioners of both god-like potentialities. I believe there is a difference between a scientist and a technician even though the boundary may be obscure.

The objectives of the latter are more limited; his job is to find techniques for solving a particular problem without necessarily giving thought to the impact of those techinques on society and its environment.

In contrast, a scientist should not only seek new ideas, new data, and new applications, but try to integrate this new material into a better knowledge and understanding of our environment and of our place in the universe. They should make an effort to see all of the ramifications and the implications of this new material in regard to the continuing and, hopefully, successful operations of the system of which we are a part.

I would like to use a crude analogy—that our picture of our universe is like a huge, relatively unfinished jigsaw puzzle of which most of the pieces are not only missing but hidden. Our jubilation should come, not so much from finding these hidden fragments as from placing them where they give us a more meaningful and useful scheme of our universe. I am implying that the scientist should not only make discoveries, but that he also has an obligation to see the broad meaning of his revelations and to help educate society for their rational and safe use. And I see no reason why a technician should not take off his "blinders" and perceive the same obligation.

There are those who will argue that science and technology are amoral. Although I agree with this philosophy, I cannot accept that frame of mind which permits the scientist and technician to lack morality. I feel that, in part, it is this point of view among us which permits these crises to be initiated and to grow in intensity until they seem ready to—and may eventually—overwhelm us.

EXAMPLES OF PROBLEMS

I would like to use several rather simple illustrations to show how ignorance, thoughtlessness, or selfishness, either singly or together, contribute to the origin and severity of these crises.

Biologists without sufficient study have introduced exotic species into a region to provide better hunting or fishing or to retard erosion, only to find that the introductions created more problems than they solved and in no way ameliorated the political pressures which stimulated the biologists to make the initial change (as a prime example, the use of the kudzu vine to control erosion of roadside banks, in many places led to the death of nearby trees).

Engineers often build roads or dams in fertile valleys or natural areas with little or no thought as to their effect on the agriculture, social economy, or wildlife therein.

Refrigeration scientists led to the increase in the temperatures of ground waters to the point where the native aquatic organisms in the area perish.

The Corps of Army Engineers facilitated the drainage of the Everglades and a few years later are reversing the process by building dams and levees.

Atomic scientists permitted the pollution of the atmosphere with radioactive materials, the full genetic effects of which are not yet adequately known.

Industrial technicians are responsible for increased concentrations of dust, smoke, gaseous hydrocarbons, and other noxious materials in the air, many of the harmful physiological effects of which are well-known, particularly if one has emphysema or some other respiratory trouble.

Chemists, and even biologists, have encouraged the widespread use of insecticides and other agricultural chemicals until the levels of these materials are rising in the bodies of midocean organisms and even the penguins of Antarctica. (It is little known that chlorinated hydrocarbons in the food chain have affected the calcium metabolism of certain raptorial or predatory birds to the point that the thinness of their eggshells poses a threat to their survival.)

Sanitation scientists contribute to the destruction of shore-environments and the decay of ponds, even large lakes.

Further examples, of which there are many, are unnecessary.

ATTITUDES AGGRAVATE PROBLEMS

Part of our difficulty is derived from frames of mind concerning the nature of education required for training our citizens for handling the increasingly complex problems of the future. One deplorable attitude is that which resents and resists nonconformity and change. I personally find no pleasure in nonconformists who use differences for no other purpose than a means of egotistically calling attention to themselves. At the same time we must remember that every cultural advancement of importance has been suggested or made by an individual who has dared to depart from the current theories and beliefs on a basis of brilliant insight or of solid study and thought. We must have a frame of mind which not only permits but encourages intelligent diversity in all fields of endeavor.

Another hazard in regard to current views of education is the tendency to equate the gathering of information and/or the memorization of facts with sound education. The useful citizen, be he scientist or housewife, should be capable of interpreting and integrating factual materials in such a way that he understands more fully the nature of his environment and his place in the universe.

These habits of thought cannot be encouraged in our students impersonally by machines alone, or by teachers who understand neither the necessity of dialogue between student and instructor nor the extreme importance of independent thought. This type of education cannot be had cheaply. The right kind of teacher and the space required are expensive; but in view of the complex problems confronting us and our children, we cannot afford to settle for less than the highest quality. We must inculcate in the minds of our citizens not only an insistence on the best education possible but a willingness to pay for it.

We are failing to educate in another respect which soon may give us serious problems. Technicians have increased automation which with a large number of available laborers has greatly augmented the amount of time available for leisure and recreation. Education for proper use of this excess time should pay great dividends in reduced crime and in the pursuit of scholarly avocations including science. Contributions from amateurs and hobbyists have proven of value in every field.

WE MUST EXAMINE STATUS SYMBOLS

We should also educate for that frame of mind which insists that we critically evaluate all the things we hear or see or do. It is time that we carefully examine our status symbols and our philosophy of "keeping up with the Joneses" and see what they are doing to us and our environment. We might ask:

Can we individually afford autos in terms of resource-use, air pollution, and the covering of soil by asphalt and concrete with the concurrent loss of agricultural acreage and decrease in underground water reserves?

Can "lily-white" clean laundry be obtained without excessive use of water and the detergents damaging the aquatic environment?

Can the public accept merchandise without paper cover and not insist upon huge newspapers?

Can we afford the land for the production of tobacco and of grain for alcoholic beverages, both of which are detrimental to health and use resources which might produce additional food for starving children?

Is an electric dishwasher more important than the purity of the water with which we fill it?

I think I begin to understand our youth in their protest against our worship, not only of the dollar but of fashions, automobiles, beauty aids, electric golf carts, brassieres, motor boats, and many other status symbols. Advertisers emphasize the desirability of many unneeded commodities in an attempt to entice us to compete with our neighbors by their purchase. It is our job to critically view the advertising in terms of the real necessity of the commodity, the effect of its manufacture and use on society and our environment, and to educate our children to do the same.

ANOTHER DANGEROUS FRAME OF MIND

We have another dangerous frame of mind: that which permits us to believe that regardless of how we mistreat the environment, some god, whether it be technology or a spiritual one, will "bail us out." I am reminded of a statement, much-used by but not original with my mother: "The Lord helps only those who help themselves." A refusal to understand our obligations in this matter could be most tragic.

One of our problems has been that we have visualized ourselves, man, as a god, a manipulator of our environment rather than a part of it; and many of our manipulations are having curious and harmful results. I would like to paraphrase a statement of Aldo Leopold made years ago: abuse the environment when we regard it as a community belonging to us. When we see the environment as a community to which we belong, we may be able to use it with love and respect.

Perhaps a phase of this same psychology is the attitude that it cannot happen to me, or that it cannot happen here. When you consider the speed of communications and the rapid changes taking place today, no one is guaranteed immunity from the injurious consequences of mistakes made either by himself or by others. It may be that changes are being made too rapidly, without time to fully assess the total and long-range effects of one before another is attempted. We are headed toward a totally artificial environment without any proof that human cultures can exist or persist under such conditions.

In a partial summary, may I suggest that we need frames of mind:

That do not worship science and technology without equivalent emphases on the liberalizing influences of philosophy, ethics, history, and other such disciplines.

That strive for adequate support for keeping the earth's environment suitable for a civilized society, perhaps at the expense of being first on the moon or Mars.

That realize the great importance of education in organismal and environmental sciences to an understanding of our universe, and to controlling and retarding the deterioration of our milieu.

That recognize good teaching as being as (perhaps more) important as research.

That encourage young and "have-not" nations first to make inventories of and to get a critical understanding of their natural resources before they are destroyed by exploiters, rather than to pursue intensively the more expensive and often spectacular laboratory phases of science.

That understand that our problems are indeed complex, and that no simple solution will substitute for one that is well-considered and integrated.

That realize that we are not immune from disaster and that it can strike here and now.

There are many other frames of mind which would enhance not only our chances of survival but our quality of living. It is clear that should we fail to insure civilized man's survival there is absolutely no point to most of our objectives of today.

The most awful part of what I have to say is this: the nature of the universe guarantees a penalty for every wrong decision, if not in the present generation, then in the future. To ignore this fact is sheer madness. I am reminded of the observation of an unknown Greek philosopher: "Those whom the gods would destroy, they first make mad."

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## ABM DEPLOYMENT

Mr. CRANSTON. Mr. President, the Senate has spent some time this week discussing the testing and deployment of MIRV's, and the unfortunate effect such developments would have on the prospects for agreement with the Soviet Union on limiting strategic weapons.

In the course of these discussions, a number of us have noted the intimate relationship between MIRV's and ABM's and have reiterated our concern that ABM deployment—like that of MIRV's—would act to fuel the strategic arms race and to reduce hopes for arms limitation. This probable consequence of ABM deployment was recently pointed out by the distinguished Senator from Maine (Mr. MUSKIE) in a cogent article published in the New Republic magazine of June 7.

After reviewing objections to the ABM based on its uncertain cost and doubtful technical feasibility, Senator MUSKIE aptly comments:

> The final and most important question about Safeguard is the effect of its deployment on the arms race . . . The first priority for United States policy-making—

he continues—

> should not be deployment of the Safeguard system, but renewal of the arms talks with the Soviet Union.

I strongly endorse this stress on the importance of testing the path of nego-

tiation before we embark on a possibly irrevocable commitment to new weapons systems.

As the Senator from Maine notes in his article:

Safeguard would not be comparable to divisions or task forces. It would be a ponderous program which would threaten to become a self-fulfilling prophecy.

This statement could be applied equally well to MIRV's, and it is largely for this reason that I oppose further testing of MIRV's by both sides, or any deployment of ABM's until we have at least tried the potentially more effective route to national security which is offered by strategic arms limitation talks.

In order that Senator MUSKIE's article may be more readily available to all Senators, I ask unanimous consent that it be printed in the RECORD.

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

WHY STOP ABM DEPLOYMENT?

(By Senator EDMUND S. MUSKIE)

The debate over deployment of the latest version of the anti-ballistic missile system has an air of unreality about it. The alphabet soup array of systems designations (ABM, ICBM, MIRV, PAR and MSR) provides an aura of mystery and suggests that only the weapons specialists are competent to make judgments on the merits of the proposal. The projected costs of the system (up to $25 billion a year by the mid 1970's), the size and power of warheads in the system (1 megaton for the Spartan and 1 kiloton for the Sprint), and the calculations of casualties in an ICBM–ABM–ICBM exchange between the United States and the Soviet Union (over 100 million on each side) deaden the senses.

There is a danger that familiarity with the numbers and the letters of the debate will breed a fatalistic acceptance of the system, not because the Congress or the citizens of the United States want it, but because they are uncertain as to the alternatives.

The numbers and the letters are important because they tell us how far we have gone in the development of sophisticated engines of destruction. They tend to confirm our worst suspicions and fears about man being dominated by the products of his technological genius. They are symbols of man's capacity to destroy himself and the earth on which he lives.

Violence is not new on our planet, but the complexity of systems to implement violent instincts are new. Changing techniques of weaponry are not new, but the speed of change is new. We are caught in a paradox in which long lead-times to develop and deploy weapons systems reduce the time available for us to decide whether or not we want or need the systems. Continuous obsolescence undermines our confidence in weapons systems, but fear of the unknown makes it difficult for us to say no to any ingenious proposal which offers the promise of military security.

Members of the Senate are wrestling with the question of how they should vote on the ABM authorization and appropriations amidst a constantly shifting series of arguments, claims and questions: is ABM necessary? What are its real objectives? Will it work? and, what will it do to the arms race?

The Nixon Administration has shifted its arguments for an ABM system from those used to support the "thin system" proposal offered by the Johnson Administration. The Sentinel proposal called for protection against a possible Chinese attack in the 1970's, coupled with a capacity to expand into a thick system designed to protect the United States against a Soviet attack. The Safeguard system proposal is predicated on a straight-line projection of Soviet ICBM capability which, it is claimed, will give the Soviets "superiority" by the mid 1970's.

I have grave doubts about the projections used to support the Administration's position. They are based on questionable assumptions about current Soviet activities, in which limited deployment of the Talinn anti-aircraft missile system and the Galosh (Nike-Zeus type missiles) deployment around Moscow have been interpreted as a major Soviet ABM program. They are also based on a projection of maximum capability for the Russian SS–9 missile program, a program which would have to be greatly improved to present a real threat to our Minuteman ICBM system. Finally, the emphasis on ABM has shunted aside alternative, and potentially cheaper, methods of deterring Soviet first strike threats.

The Safeguard system is being sold as a "thin system" directed at a potential Soviet threat, with secondary protection against the Chinese, but the Administration's escalating justification for the system raises real doubts as to the ultimate size of the system. In his March 14 statement, President Nixon stressed restraint in developing the Safeguard program. He suggested the possibility of cutting back at a later date. Secretary Laird and Deputy Secretary Packard have repeatedly implied a long-range goal of full deployment.

In addition, President Nixon observed in his April 18 news conference that he did not "know what (the Soviet) intentions are, but we have to base our policy on their capability." That statement, it seems to me, opens the door to a substantial expansion of the ABM system, far beyond anything projected in this year's Administration requests.

One is driven to the conclusion that the Congress and the nation are being asked to make "one easy down payment" on a monstrous defense system whose costs will dwarf today's expectations.

Coupled with questions as to why and what we are being asked to buy is a doubt as to its feasibility as an effective and convincing deterrent. The Safeguard system is extraordinarily complex, involving a combination of radar, computer, missile and nuclear warhead technology which cannot be fully tested in advance of actual use.

It is not enough to say that we developed the hydrogen bomb in spite of the doubters. That weapon did not include the support systems whose functioning is essential to the performance of the Spartan and Sprite missiles. The hydrogen bomb did not have to be designed to cope with counter-measures which will change in time.

In evaluating the need for the Safeguard—even if one were to accept the assumptions of the Administration about the Soviet and Chinese threats—one must not be misled by undue optimism about our technological capacity. In the event of a nuclear missile exchange, there could be no long, complicated check-list and count-down such as we use in our space shots. At this point I cannot accept the contention of some supporters that the system would be virtually fail-safe.

The final, and most important question about Safeguard is the effect of its deployment on the arms race.

That question must be examined within the context of action and reaction between the United States and Russia. Deployment of the Safeguard system, particularly when viewed against the background of MIRV (Multiple Independent Re-entry Vehicle) development, is bound to strengthen the hand of Soviet military leaders who will argue for increased capacity to meet the United States "threat" to their security. Soviet leaders are just as likely to base their policy on our capability, rather than our intentions, as is President Nixon.

Our military leaders make straight line projections on military planning, calculating maximum Soviet capacity and minimum United States capacity. The Russians make the same projections in reverse. Unchecked, policies based on those mutual projections will inevitably result in an unending upward spiral of arms and terror. Under such circumstances neither the United States nor Russia will be in a position to restrain other countries in the arms race.

The first priority for United States policy-making should not be deployment of the Safeguard system, but renewal of the arms talks with the Soviet Union. One need not be under any illusion as to the difficulty of such talks to recognize their importance to the cause of peace or the redirection of our resources to important domestic needs.

Furthermore, the arms talks should not be complicated by a *fait accompli* of Congressional action on deployment of the ABM. A vote against ABM would cause problems for our negotiators. A vote for ABM would raise even greater obstacles to successful negotiations.

Modern missile systems are not simple items which can be moved like pawns in a chess game. Once initiated, they have a momentum of their own, compounded of military strategy, military-industrial-political commitments, technological fascination and uncertainty about alternative steps. Safeguard would not be comparable to divisions or task forces. It would be a ponderous program which would threaten to become a self-fulfilling prophecy.

The ABM debate marks a watershed in our national approach to defense policies. For the first time in many years we have an opportunity to slow down the pace of technological-military development, to give the country time to breathe and to work out—if possible—the problems of nuclear threats with the Soviet Union. The Administration has an opportunity to take its cue from the kind of discussion which has been going on in the Congress, under bi-partisan auspices, and to shift its attention and its efforts to the negotiating table before it is committed to an uncertain and dangerous course which appears certain to accelerate the arms race.

In the final analysis, the ABM question becomes one of determining what kind of society we want. Do we want a seething, crippled, fortress America, or do we want a rational, creative and constructive society in which our intentions are clear and our capability for peaceful pursuits are unquestioned? Safeguard threatens to produce the former; halting Safeguard deployment and concentrating on arms control promises the latter.

## RETURN OF VIETNAM VETERANS TO CIVILIAN LIFE

Mr. JAVITS. Mr. President, a week ago the President announced that the withdrawal of 25,000 American troops from Vietnam would begin within 30 days, and held out the hope of further reductions in the 540,000-man American force. Even without this reduction in the troop level, over 1 million GI's will be returning to civilian life this year, at a rate of approximately 90,000 a month.

The time has come for Congress to take a close look at the welcome which our country will be giving the men returning home, and at the veterans benefits which will be available to them. Since World War II, our country has maintained a commitment to these young men who have devoted years of their lives to their country and have risked their lives in its service. In order to continue to honor this commitment to its fullest, we must make sure that the GI

bill of today is in keeping with the needs of the veterans of today, and that the results it achieves are in the best interests both of the individual veterans and of our Nation.

The veteran of today deserves benefits which are comparable to those that the veterans of the Second World War and of the Korean war were offered. The veteran returning from Vietnam took leave of his home, his friends and his family, and often interrupted his education or delayed his career plans, in order to join our Armed Forces overseas. We must not allow the division over our role in Vietnam to keep us from uniting in an effort to provide the veteran with the full range of benefits he deserves.

In order to insure that our country meets its obligation to today's veterans, I have concerned myself with three pieces of legislation which would improve GI benefits in the areas of housing, employment and education.

I am introducing today a bill which would increase the availability of GI home loans by expanding the authority of the Veterans' Administration to make direct loans.

In February I introduced the "Veterans Employment and Relocation Assistance Act of 1969," which would help veterans to find meaningful employment anywhere in the country.

And in January I cosponsored a bill introduced by the Senator from Texas (Mr. YARBOROUGH) which would increase the educational benefits available to returning veterans.

These three bills will assist the veteran to obtain decent housing at a price he can afford, to pursue a civilian career of his own choice, and to resume or further his education. They will be particularly beneficial for disadvantaged GI's returning to slum and poverty areas, for whom the present GI bill is inadequate. At the same time that these bills will be assisting the individual veteran, they will be helping to solve our country's housing problems and by raising education and job levels, will be helping to ameliorate the problems of poverty and alienation which are of such importance.

The Veterans Housing Act of 1969 which I am introducing today would expand the direct loans provision of the GI bill so that veterans would be able to take advantage of GI home loans even during periods or in areas of housing credit shortages. The present GI bill entitles veterans to a VA-guaranteed home loan of up to 60 percent of the value of the house, or $12,500. But the VA does not make these loans; it merely guarantees them. The veteran must arrange for a loan himself through a bank or other lending institution. If no bank is willing to make the loan, the VA-guarantee becomes useless.

During periods of credit shortages such as one we are now experiencing, banks prefer to invest their funds in ventures far more profitable to them than GI loans. In 1947, after World War II, 488,000 loans were guaranteed by the VA. In 1955, after the Korean war, a peak of 643,000 loans was guaranteed. In 1968, only 211,000 VA-guaranteed loans were made.

The Veterans' Administration is presently authorized to make direct loans to veterans in rural areas or small towns whenever the Administrator finds that private capital is not generally available in the area. The Veterans Housing Act of 1969 would expand the authority of the Administrator to make a direct loan to any veteran who is unable to obtain adequate housing credit as will enable him to realize the purposes of the home loan program. Such conditions occur where there are abnormally high interest rates, or a general shortage of a more permanent nature in a particular area of the country.

It is my feeling that shortages in housing credit should not be allowed to deprive the returning veteran who is otherwise eligible for a GI loan of the opportunity to purchase or construct a home. The Veterans Housing Act of 1969 would enable the veteran to take advantage of the GI home loan benefits to which he is entitled.

The Veterans Employment and Relocation Assistance Act of 1969, which I introduced earlier this session, seeks to help Vietnam veterans find jobs which match their skills and to provide financial assistance where relocation is necessary. This legislation takes advantage of the unusually high degree of mobility enjoyed by young men when they return from the service to civilian life, and seeks to make use of the occupational skills which they acquired while in the service.

Indeed, for many veterans from disadvantaged areas, the skills they learn in the armed services are the only vocational skills they have. What a personal tragedy—and for the Nation, what a waste of manpower—if they return to urban ghettos or rural poverty areas only to find that there is no market for these skills. We must not allow these young men—many of whom return home feeling self-confident for the first time in their lives—to become the victims of a cruel economic geography. They must be given the means to move where the jobs are.

The Employment and Relocation Assistance Act would require the U.S. Employment Service to establish a national center for the compiling and matching of employment opportunities throughout the country with the skills of individual veterans. A veteran who is unable to find suitable employment in his home area would be able to take advantage of openings elsewhere by being provided with transportation expenses for interviews and a moving allowance if he takes the job as a result of the interview.

As many as 10,000 veterans a month could be assisted by this program, at an annual cost of about $35 million. This figure is based on maximum allocations of $100 for each interview and $300 for each relocation.

This program offers the unique opportunity to redirect a segment of our population away from areas of high unemployment, whether in urban slums or rural depressed areas, at a time when the problems of unemployment and poverty are paramount. It provides the chance to match job openings with newly acquired skills, at a time when the importance of meaningful employment is becoming increasingly evident. And it offers equal opportunity to any veteran willing to seek it, at a time when significant opportunities are notably lacking in many areas and to many people.

I have requested that hearings be held on this bill as soon as possible, in order that the vital assistance it provides would be available to the veterans returning from Vietnam now.

For returning veterans whose first need is education rather than jobs, I have cosponsored a measure, introduced by Senator YARBOROUGH, which would substantially raise the educational assistance benefits provided under the present GI bill.

Under the bill which I am cosponsoring to raise veterans' education benefits, the allowance for a single veteran attending school full time would rise from $130 to $190 a month. Corresponding increases would be made for veterans attending school part time and for those with dependents.

At present, GI education benefits frequently do not serve those who are most in need of them. Times have changed and costs have skyrocketed since the GI bill was enacted, but education benefits have not kept pace. Under present law, a single veteran can receive an allowance of $780 for attending college full time for 6 months. Yet the average tuition at better known colleges for 6 months is $840, or $60 more than the veteran's allowance. In addition to his tuition, the veteran must pay for his room and board as well as books, clothing, and other living expenses. The GI bill is thus of great benefit to the middle-income veteran whose parents can afford to finance his education. But it is of little help to the disadvantaged youth who must support himself and whose education is a sacred obligation to this Nation.

Of the 2.7 million Vietnam veterans who have reentered civilian life, only 521,000, or less than 20 percent, have enrolled in training programs or resumed their education. This is far below the 50 percent of veterans who went to school under the GI bill after World War II or the 42 percent who participated after the Korean war.

President Nixon recently asked the new Director of the Veterans' Administration to investigate the reasons behind the great drop in numbers of veterans who are going to college under the GI bill. It would appear that one of the key reasons will be found to be the inadequacy of present benefits. Youths who are not financially independent to begin with, simply cannot afford to take advantage of the educational benefits offered by the GI bill as it now stands.

Hearings will be held on this bill on June 24, 25, and 26. If passed, it would go a long way toward helping disadvantaged veterans to obtain the education and job training required to allow them to find decent jobs and earn substantial incomes for the rest of their lives.

These three bills to aid veterans would have social and economic benefits far above their costs. It has been proven that investments made in housing, education, and proper job placement are paid back

to America many times over in the form of increased taxable income and decreased unemployment and welfare payments—and social tension and disorder. The returning veteran presents an excellent opening to contribute to a solution of the Nation's critical problems of poverty and lack of opportunity for minority groups.

If this chance is used correctly, it could yield untold benefits in the form of social dividends and national stability. If this chance is missed, the resulting frustration and anger could only further polarize an already strained nation.

## REMEMBERING ROBERT KENNEDY

Mr. TYDINGS. Mr. President, John Herling has written a moving remembrance of our friend and colleague, the late Senator Robert F. Kennedy. Mr. Herling's article was published in the Washington Daily News on June 3, 1969.

Because it is such an excellent and personal account of the late Senator Kennedy, I ask unanimous consent that it be printed in the RECORD.

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

TO BOB, WITH LOVE

By John Herling

(Note.—Senator Robert F. Kennedy, 42, D-N.Y., was shot by an assassin June 5, 1968—one year ago Thursday—in Los Angeles. He died 25 hours and 28 minutes later.)

Even when a friend dies, friendship doesn't.

A year ago Bob Kennedy was hit, and for a while the earth became a flat and barren moon. Without Bob, the situation became unacceptable, as he used to say about matters that were not to be tolerated.

After a while, it became clear that this was not the way to take it. The warm and embracing pressures of memory began to restore the world and his spirit to those left behind.

My mind goes back a dozen years when Bob began to function on Capitol Hill against "improper practices in labor or management." Many of his friends who certainly today care about him as much as, say, Walter Sheridan and several co-workers do, did not know him then. But to many of us who saw him in action then, his virtue as a man and his social concern to alleviate the human conditions were quite apparent.

Then, as later, the record was full and clear. He threw his arm around the helpless to protect them against the powerful corrupt and against the corrupters of others. Men with that kind of power hated his kind of power and sought to tear him down.

Bob Kennedy was direct as well as subtle. Being both was not contradictory in him. Once officials of one of the nation's biggest corporations appeared before him, as general counsel, and then Sen. John Kennedy, a member of the Senate Investigating Committee. The corporation men, surrounded by high-priced flacks, were defending themselves against the evidence. First they tried to brush it off. Finally, "we didn't think it was illegal," their lawyers said softly. "But you admit it was not ethical," Bob shot back. The corporation men were astounded. Ethical shmethical. What kind of talk was that? Some ruthless!

Almost every day Ethel was there in that Senate Caucus Room, watching, reacting, glorying, happy. When she was absent for any length of time it was only to have a baby. The reporters covering the hearings became Ethel watchers and adorers.

Once he had expressed interest in meeting a friend of mine in the labor movement. So I brought her and her children around to his basement office in the old Senate Office Building. The spectacle of a beautiful family, other people's too, was for him sheer delight. His gentle questioning put them at ease. "Their father must be a great man," he said to the mother, Esther Peterson, later to become an Assistant Secretary of Labor.

Another time a big children's party was going on all over Hickory Hill. We brought our niece and her 4-year-old child. He greeted Kevin with the close attention of a man who had some of his own. Kevin, who likes conversation to be relevant, gave him a brief hello. "Any swings around here?" Kevin demanded, pointing significantly toward one under a tree. Exercising his power, Bob gave him a slight kick in the tail, "Swing," he said.

In June, 1964, a few weeks after his brother Ted was seriously hurt in a New England plane crash, Bob, Ethel and their three older children went on a scheduled trip to Berlin and Poland. In Warsaw and Cracow some of us beheld for the first time Bob Kennedy as the universal symbol. The excited street crowds grabbed him, crushed him with love. "Why didn't you bring the other children?" And then, they should, as friends of the family, "How is your brother, Ted?" Bob thanked them, reassured them. "He's okay now. It was narrow. But he'll make it."

## PROPOSED LIMITATION OF FARM PRICE SUPPORT PAYMENTS

Mr. CRANSTON. Mr. President, because I feel so strongly that the proposal to limit farm price support payments is a hasty and ill-conceived idea which should be defeated, I wish to state my reasons well in advance of the Senate debate on the amendment.

I believe there must be a total revision of present farm policies. Their net effect is to reduce production of food and fiber. In an ill-fed, ill-clad world, with millions of poor people crying out for food and clothing, our policy should be to encourage the growing of food and fiber, not to discourage it.

We must devise policies that will permit our farmers to plant and harvest all the crops within their great abilities to produce, and make a decent living for their efforts.

The prohibition on planting the basic commodities and the subsidization of diverted fields are not in the national interest. If the economics of the price system have failed to satisfy all our people's needs for farm products, then we should seek to cure the system.

I join in the search for a rational food policy. I pledge my efforts to help the farmer grow what his land will best yield, with a fair profit on his product. That goal will not be easy to achieve. Unlike factories, farms produce slowly and they can be changed only over several years.

The solution to our farm problem will involve a gradual transition from our present program. Perhaps the greatest criticism I have of the $20,000 limitation of payments amendment passed recently by the House is that it seeks to bring about that change not gradually, but precipitately.

Cotton is the major price-support commodity in California, the third-ranking State nationally in cotton production. California growers are efficient, usually producing at least 2 bales per acre and sometimes double that. But they also face high production costs per acre.

Since the acreage allotment program in cotton is mandatory, cotton growers are unable to decrease average costs by increasing production. Thus, they lose approximately $40 a bale, or $80 per acre, on the world market. Under the current price-support program, the California grower receives approximately $147 per acre—which is his salvation and his profit.

Our Government's policy is to keep domestic cotton price equal to world market price, not protected as is the case with many industries.

What would happen to California agriculture if the $20,000 limitation were suddenly to apply to cotton? Of the total 704,000 cotton acreage allotment in the State, 331,000 acres, or nearly half the total cotton acreage, would be affected by the $20,000 limitation. In other words, the farmer would lose money if he continued to plant cotton on a third of a million California acres presently devoted to cotton production.

What then would he plant? Next to California cotton fields, one finds alfalfa, wheat, barley, rice, sugar beets, and safflower, to mention most of the annual crops. Converting a third of a million cotton acres of California's rich and highly productive land into those other products would surely depress farm prices for annual crops across the board, causing chaos on the farms and in the small towns of our State.

The only other alternative would be to leave the land unused, and it would be unconscionable to allow land to lie fallow at a time when hunger and malnutrition are national and worldwide problems.

The $20,000 limitation would make it unprofitable to plant much more than about 200 acres of cotton. Yet even under Federal reclamation restrictions, a husband and wife can obtain irrigation water for 320 acres as a family-sized farm.

To force a sudden transition from present cotton plantings makes little sense for another reason. Much of California's cotton is grown on the west side of the San Joaquin Valley. That area will be radically transformed by the irrigation water brought in by the California Aqueduct now under construction.

With imported water replacing the expensive deep wells, new crops will replace the present pattern of planting. Tree fruit, citrus, nuts, grapes, and truck farming can be expected to replace the present less profitable annual crops. But this transition, which has already begun, will match the gradual expansion of the water distribution system. In 5 or 10 years, cotton production on the west side may well decrease substantially.

To plunge now into thousands of acres of idle or unprofitable land, to force on our farmers, farmworkers, and rural communities a minor local depression due to precipitous and ill-advised action hardly fits the sensitive and thoughtful practicality which should direct our national policy.

In the House debate on the $20,000 limitation, proponents of the plan pointed to the study of payment limitations made

by John A. Schnittker, former Under Secretary of Agriculture. The general conclusion of Schnittker's analysis was that the $20,000 limitation would not have "serious adverse effects on production or the effectiveness of production adjustment programs." This conclusion was used by proponents of the limitation to justify their argument.

In his discussion of the effect the limitation would have specifically on cotton, Schnittker proposes other legislation as necessary to maintain an effective cotton program if the limitation should be passed.

For instance, unless the "snap-back provision" were repealed, the adoption of a limitation on price support would lead to a situation where the Commodity Credit Corporation would acquire most of our cotton crop and then have to sell it on the open market at a loss.

Yet we cannot expect the "snapback provision" to be repealed by a simple amendment to an appropriation bill—it is clearly legislative in nature.

Schnittker also points to the need for a change in the acreage allotment program if support payments are limited. Part of the justification for subsidizing cotton growers is the mandatory limitation on the number of cotton acres we allow a farmer to plant. If we are to limit so drastically the price support program, then we should correspondingly relax the prohibition on the farmer's right to plant as much cotton as he wishes. This change also will require additional legislation.

We must find a fair and effective way to eliminate present huge subsidy payments to a handful of farmers. But the $20,000 amendment, which would cause a reduction in production and bring chaos to our farms, is not the way to do it. There should be a limitation on payments, perhaps modeled after the present Sugar Act. I believe we should encourage the production of food and fiber, instead of telling our farmers not to grow products.

But any change in our farm program must be comprehensive and must involve a gradual transition from the present system. The $20,000 limitation on payments meets neither criteria. It would create an intolerable dislocation in California cotton which could have far-reaching adverse effects on all of California agriculture.

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## DISTRICT COUNCIL ENDORSES FREDERICK DOUGLASS HOUSE MEMORIAL

Mr. HART. Mr. President, the Nation honors its greatest citizens not only in its history books, but also with living memorials that give inspiration to our generation and the future. We have taken special pains to preserve as historical sites the buildings and places intimately associated with the lives and great works of our national heros.

Frederick Douglass was one of our greatest citizens, as a slave, as a leading black abolitionist, and as a statesman. He was probably the most important American Negro of the 19th century. His home, Cedar Hill, stands today in the Anacostia section of Washington, D.C.

In 1962, Representative CHARLES DIGGS and I were successful in transferring Cedar Hill to the parks and memorials system of our National Capital. Under the care of the National Park Service, the house is to be restored and opened for the benefit of the public. As a completed historic site it will deepen and balance the representation within the National Park System of the contributions of our country's black citizens to the history and culture of the Nation.

The act which President Kennedy signed in 1962 authorized $25,000 for restoration work at Cedar Hill. However, detailed study of the house has since revealed extensive damage as a result of termites, dry rot, and storms. To properly restore the house and grounds and provide for meaningful interpretation of this historical landmark will require $450,000 under current estimates.

Senator HUGH SCOTT and I, together with Representative DIGGS and Representative SHIRLEY CHISHOLM, have introduced proposed legislation to amend the 1962 act, authorizing the full funding needed to complete the Cedar Hill project. I am urging the administration to support the project, and I hope the Committee on Interior and Insular Affairs will give this important legislation prompt attention.

On May 28, 1969 the District of Columbia City Council held a special session at the Frederick Douglass house. The meeting was accompanied by remarks of Mayor Walter E. Washington, as well as dramatic readings and musical selections by the Frederick Douglass Junior High School choir. As the special event of the evening, Council Member Stanley J. Anderson introduced a resolution endorsing the purpose of my bill to restore Cedar Hill. I ask unanimous consent that the Council's resolution be printed at this point in the RECORD.

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

FREDERICK DOUGLASS HOME: A NATIONAL MEMORIAL—RESOLUTION 69-37

Whereas, Frederick Douglass exemplified the finest qualities in his rise from slave to statesman and is a symbol of courage and determination to Black people everywhere who are currently seeking a positive future based on a distinguished past.

Whereas, he was honored by three American Presidents: Grant, Garfield, and Harrison by appointments to high offices and by the enthusiastic support of multitudes on this continent and in Europe. He was Advisor to President Abraham Lincoln and President John F. Kennedy honored him by signing a Bill on September 5, 1962, to include Cedar Hill in the National Park System.

Whereas, Frederick Douglass was vigorous throughout his life in his activities to bring this nation to its highest nobility and was not deterred by his personal success from his intention to be "an unflinching, unflagging, and uncompromising advocate and defender of the oppressed."

Whereas, Cedar Hill, the home where he spent the last seventeen years of his life and received the high and lowly of the world who made the pilgrimage to see him is located here in the Nation's Capital.

Whereas, it is administered by the National Park Service, U.S. Department of the Interior.

Now, therefore, be it resolved by the District of Columbia City Council, that:

Section 1. The City Council of the District of Columbia affirms the designation of Cedar Hill to be a landmark of national historical significance and particular meaning for the residents of the city.

Section 2. Endorses the efforts now being undertaken to have this house restored and brought to the attention of the Nation.

Mr. HART. Mr. President, following the special meeting, Councilman Stanley J. Anderson has written to me expressing his deep interest in this project. As he says:

> The history of the black man in the western hemisphere, in terms of his contributions to the growth of this nation, is not visible.

Proper completion of the Cedar Hill restoration project will be a significant step in bringing needed balance to our history. I ask unanimous consent that Mr. Anderson'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:

GOVERNMENT OF THE DISTRICT OF COLUMBIA CITY COUNCIL,
*Washington, D.C., June 16, 1969.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HART: As a native Anacostian and member of the D.C. City Council, I have had the pleasure of fulfilling a lifelong dream. On Wednesday, May 28, 1969 at 7:00 P.M. on the grounds of the Frederick Douglass Home in Anacostia, I submitted a resolution to the D.C. City Council calling for the restoration of "Cedar Hill" as an historical monument.

This gesture was made to show our support for several pending bills introduced by Congresswoman Shirley Chrisholm, Congressman Charles C. Diggs and Senators Philip Hart and Hugh Scott, which call for the authorization of appropriations to be used for the restoration of this home.

Washington, D.C. is world renown for its statuary of great men and significant events. It is a mecca for travelers throughout the world who come to learn about the seat of our government and who relive the history of this nation through the monuments on display.

The history of the black man in the western hemisphere, in terms of his contributions to the growth of this nation, is not visible. The importance of Federick Douglass' life as an abolitionist, a statesman, a public servant and as a black man who rose from a state of servitude to that of advisor to kings and presidents, needs to be placed on this nation's agenda.

What more fitting way to do this than by adding the Federick Douglass Home as a lasting memorial to a great man who exemplified the hopes and aspirations of the black American.

I therefore urge you to support the pending legislation to establish Cedar Hill as a national landmark in commemoration of this great American, Frederick Douglass.

Sincerely,

STANLEY J. ANDERSON,
*Councilman, D.C. City Council.*

Mr. HART. Mr. President, the home of Frederick Douglass deserves our veneration as one of the most significant memorials in our Nation's Capital. It should become a major point of interest

for the millions of Americans who visit Washington each year to view the major shrines of our national history.

But for the moment, the house on Cedar Hill stands empty, boarded up for public safety. It stands thus as a symbol of neglect rather than respect.

It is my hope that the 91st Congress will take action to make this empty house again a living home and fitting memorial to this great, free American, who is a "symbol of courage and determination to black people everywhere who are currently seeking a positive future based on a distinguished past."

## COMMITTEE ON BANKING AND CURRENCY MAY HAVE TO STUDY NEED FOR REGULATION OF BANK INTEREST RATES

Mr. McINTYRE. Mr. President, over the past weekend two of the leaders of our Government concerned with financial policy made statements regarding the recent increase in the prime rate of interest charged by our Nation's commercial banks.

The distinguished Senator from Alabama (Mr. SPARKMAN), chairman of the Committee on Banking and Currency, stated that the prime rate increase will have an adverse effect on housing, small business, and consumers generally. I would point out that these three areas are ones which have, in recent years, been the subject of a great deal of congressional attention and work—work which is now threatened by the unilateral acts of the commercial banks.

I ask unanimous consent that a statement from Senator SPARKMAN's office, entitled "Good Sense of Bankers Ought To Prevail Against High Interest Rates," be printed in the RECORD at the conclusion of my remarks.

At the same time, Secretary of the Treasury David Kennedy, appearing on a TV network interview program, stated with respect to the latest increase that he had not been consulted by the commercial banks before they increased their rates.

Mr. President, I would point out that the rates which banks pay to their depositors are currently regulated by the Federal Government. Thus the cost of deposits is kept down and protected from competition by the Federal Government, while the price which borrowers pay is left to the discretion of the banks themselves.

There are very few factors so closely related to the trend of inflation in our economy as the interest rates charged by commercial banks. And yet, in an age when the people of this Nation look to their Federal Government to put a stop to runaway inflation, there is no other item so little under Federal guidance as commercial interest rates.

The Secretary of the Treasury is now asking the Congress to maintain a surtax, with the avowed aim of controlling inflation. I believe that inflationary control through tax policy by itself is incomplete without similar control over the cost of money.

It seems to me that interest rates must be reduced as quickly as possible. I join with Senator SPARKMAN in calling upon the bankers of this Nation to voluntarily reduce their rates. I hope that his appeal will find an agreeable reception in the banking community, which understands so well the disaster which inflation brings.

If, however, the recent increase in the prime rate is not reversed, we on the Committee on Banking and Currency may have to consider legislation placing interest charges under Federal control. I will be willing to introduce such a bill.

Surely such legislation would be a preferable alternative to general wage and price controls. Surely it would be preferable to a futile effort to stem inflation by means of a new surtax which would be doomed to failure because of its lack of impact on interest rates. And surely such legislation would come as welcome and long overdue relief to the homeowners, small businessmen, and consumers who will suffer the greatest harm from the latest rate increases.

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

GOOD SENSE OF BANKERS OUGHT TO PREVAIL AGAINST HIGH INTEREST RATES, SAYS SPARKMAN

WASHINGTON, D.C., June 16.—The good sense of the bankers of this nation "ought to prevail" in reversing the trend that has seen prime interest rates move to 8½%, Sen. John Sparkman (D., Ala.) said yesterday.

In broadcast interviews released yesterday, the Chairman of the Senate Banking and Currency Committee said the rise to 8½% to best customers of a substantial number of banks is "terrible, uncalled for, unnecessary and ought to be reversed."

Sparkman called improbable assertions by some segments of the banking industry that the prime rate would not affect mortgages, consumer loans, or small business customers.

"There is simply no way of carrying this out for a particular class and not having it adversely affect housing, small business, consumers generally—the ordinary people who have to depend upon credit to carry on," Sparkman said. "There are lots of them in this country, including the farmers, those who want to buy houses, small businesses, consumers generally. They are bound to be adversely affected."

Sparkman said he feared wage-price controls if the rising interest rate trend continues and if the Federal income surtax is not extended.

## ECONOMIC DEVELOPMENT IN RURAL AMERICA

Mr. HRUSKA. Mr. President, many pressing problems and current crises are receiving the attention of the American people and are the focus of public concern. Our casualties and expenditures for the Vietnam war have made it the third largest war in our history. Our cities have been subjected to rioting and burning. Our colleges and universities are encountering widespread discontent and disorder. National crime has been climbing at an unprecedented rate. Inflation is eroding the value of the dollar.

However, one of the greatest tragedies of America today is the decline of rural America. This decline is not a violent occurrence. It is not an inflammatory event. But, it is a disruption of society equal to those events that receive national publicity. An age of technology and urban growth does not require a depressed rural economy, and the outmigration of rural Americans cannot be assumed to be the result of a preference for the advantages of the city.

A national survey taken during November 1968, by International Research Associates, disclosed that 70 percent of the persons who live in small towns and 75 percent of those who live in rural areas are satisfied and prefer to live there, but that only 27 percent of the present large-city residents are happy with their choice. In fact, when given a choice, 81 percent of those interviewed said they would prefer to live in small towns and rural areas. How many unhappy people there now must be enduring their urban existence, deprived by economic forces of a choice because of lack of employment opportunities in rural America.

In my own State of Nebraska, the number of farms has dropped in the last 11 years from 100,000 to 76,000 and is expected to continue to decline. Agricultural employment has been reduced by more than 43,000 people.

As the farm population dropped, the need for services performed by businessmen and tradesmen of our small towns and cities also declined. Masses of people began leaving for urban centers.

This outmigration of rural Americans has created additional problems in our cities and compounded those already existing. History has clearly shown that migration to the cities is not the solution for many of our rural dwellers.

Another matter must be considered. In a democracy, the dignity and free will of the individual is held in highest esteem. A fundamental purpose of a democratic society must be to protect these values. Yet these values are being seriously eroded by the economic forces which are compelling the migration from rural America to the urban centers.

If we are to solve this problem we must explore every avenue, develop constructive and imaginative programs which take account of the preferences of the people, and we must renew our dedication to provide a safe and decent life for all Americans, both rural and urban.

Economic development is the key, but that will require industrial growth as well as regional programs and regional organizations with the ability and the power to transform the economy.

I joined as a cosponsor of the Rural Job Development Act of 1969 because I believed that it offered a meaningful program to encourage additional industry to locate in rural America. Hearings have been held on this bill, and hopefully the Congress will act on it this session.

Besides the efforts to provide incentives for industrial development, hopeful and vigorous signs of regional planning can also be seen. A good example is Vision–17.

Vision–17 is a private corporation devoted to the economic development of 17 counties in southeast Nebraska. It is supported mostly by private funds, and the management is provided by Northern Systems Co., a subsidiary of Northern Natural Gas Co.

Vision–17 contains nearly 10,000 square miles and more than 370,000 people. It seeks to raise the quality of living of the area to a level that will attract and retain young Nebraskans.

Mr. Carroll Thompson, vice president for community development for Vision–17, recently wrote an article in the May 3, 1969, issue of the Nebraska Farmer entitled "Wanted: New Rural-Urban Communities in Southeast Nebraska." It is an excellent article, and I commend it to the attention of all thoughtful people interested in the development of rural America.

I wholeheartedly agree with Mr. Thompson when he says:

Government can build the roads, aid the planning, encourage the new industry, and do many more things. But it can't create the new jobs alone, nor instill the new vision that is needed to fuel this change. That has to come from individuals determined to shape a private economy that can respond to this new challenge to rural Nebraska.

Mr. President, I ask unanimous consent that Mr. Thompson's article be printed in the RECORD.

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

WANTED: NEW RURAL-URBAN COMMUNITIES IN SOUTHEAST NEBRASKA

(By Carroll Thompson)

A big new dose of old-fashioned neighbor-helping, streamlined to today's needs, is needed if Nebraskans of today are going to build a better life for Nebraskans of tomorrow.

The neighbor-helping needed comes under a new name today. It's called regional economic development. But it's just a 1969 version of the same spirit that drove pioneers to help one another build homes, harvest crops, and develop communities together. The jobs they tackled together were too big for them to do by themselves. So they recognized that fact and they worked together.

Today's jobs in economic development are too big for any one town or county. Modern teamwork is required. That can be accomplished only through regional programs and regional organizations with the ability and power to transform the economy. And the economy must be transformed or Nebraska will continue to have many of its people under-employed and a lack-luster image.

In the 1950's 90% of the growth in employment in the U.S. occurred in metropolitan areas. In the 1959–64 period, 72% of that growth was in metropolitan areas. Today 30% of the nation's people live in the rural areas, but half of our poor people live there.

NEBRASKA NEEDS INDUSTRY

What's the problem for us? Industry and service jobs are where the good wages are. And Nebraska does not have enough industry, which seeds the service jobs.

Louis Malotky of the Farmer's Home Administration said it well when he spoke of the solution he recommends:

"We do not envision that every crossroad or village will become a growing metropolis. We do, however, see rural America developing on an area or regional basis. We see manufacturing and service jobs and other employment opportunities increasing outside of the big metropolitan areas. We see housing programs tailored to the small community. We see a larger investment in public services and greatly improved public administration and planning in rural America."

To make the changes Malotky is suggesting, we need to begin by building new rural-urban "communities." These will band together several existing communities, or several counties in most cases, for the purpose of speeding economic development. These new "communities," or economic development regions within the state, can be structured on the basis not of miles, but of people with like interests who can gain from working with one another.

COMMON INTEREST IMPORTANT

The economic development region should contain an existing growth center within it, or two or three growth communities. There should also be common interest among the people in the area in development of the economy based on the shared assets of the several communities and the rural area. There should be a common interest in, and benefit to be gained from, development of public transportation facilities, highways, health facilities, recreation areas, educational institutions and services, and public services, and industry.

Vision-17, the new direction in economic development being taken by the 17 counties in southeast Nebraska today, has the potential to be one of these new rural-urban "communities." It is a private corporation, supported mostly by private funds, which is initiating a broadly-based program for economic and community development. Hugh Wilkins, Geneva, is the president of the group, with management provided by Northern Systems Company, a subsidiary of Northern Natural Gas Company.

Vision-17 land stretches from the west line of York county to the Missouri River, and from the Platte River south to Kansas. It contains nearly 10,000 square miles and more than 370,000 people.

Can this be a new rural-urban community? Can it be a community where there is an ongoing program to develop one level of services for all citizens of the area; where the roads in one part are as good as in the other; where there are good industry jobs within 10 miles of anyone's home? Or does it have to go on as it is, with the per capita income being cut in half when you cross some county lines? With opportunities for higher paying factory jobs being virtually non-existent in some parts of the area, while there is a labor shortage in other parts?

Vision-17 says this can be changed.

Change will do two tremendously important things. It will raise the quality of life for the whole of the area to a standard young Nebraskans can live with. A recent check in Pawnee county showed that 99 of every 100 high school graduates are planning to leave the area. The county has lost 60% of its population in the past 60 years. The new "community" will change that. And it will also help America solve its urban problems. For if the rural areas quit sending their sons and daughters to the urban areas, the cities may be able to cope with the populations they have.

There is nothing in the new "community" concept that is foreign to Nebraskans. In fact, it simply calls for the application of the tried and true facts of life we have learned to live with. We want a lively economy that offers good jobs. We want public services and facilities of high standard furnished at the least possible cost.

We can have these in larger "communities," but we can't get them by going ahead as we are.

Who starts the Ball rolling?

It has to be a team effort, with government and the private economy cooperating. Nebraska state government has done its job by setting up planning blocks. These can be the building blocks for our new "communities." But government cannot do the job alone. It can only set the stage for action, and help coordinate and direct the flow of action. The principal action has to come from private initiative through the private economy. Government can build the roads, aid the planning, encourage the new industry, and do many more things. But it can't create the new jobs alone, nor instill the new vision that is needed to fuel this change. That has to come from individuals determined to shape a private economy that can respond to this new challenge to rural Nebraska.

Nebraska should have six of these new "communities." Omaha and its area is one. Vision-17 is a second. Others could be formed in the northeast; the south-central; the western Nebraska area; and in the north central. This would give each area the muscle to tackle the problems facing Nebraska, and all of rural America.

## LAKE SUPERIOR

Mr. NELSON. Mr. President, nationwide, the public insistence for action for clean water is making itself heard. Americans are rapidly coming to accept and demand acceptance of an ecological ethic which says no one has the right to pollute the air, the water, the land.

Just one more instance of this has been the widespread citizen concern expressed in the States surrounding Lake Superior that this valuable, and as yet relatively unpolluted resource be protected in perpetuity. Clearly, there is broad public support for the Federal Government and the States to take adequate steps now, through the Federal-State pollution control enforcement conference now underway on Lake Superior, to assure that this last pure Great Lake will be protected in perpetuity. The cost to society of doing otherwise will be immense. Future generations who will view and use an increasingly dirty lake would suffer even more than we.

One of the most important steps that could be taken now to assure the success of the conference would be for the Governors of Minnesota and Wisconsin to immediately initiate a request to the Secretary of the Interior that intrastate pollution be declared a matter of conference jurisdiction.

With this step, there would be absolutely no question that pollution, no matter how it was defined, intrastate, or interstate, could be dealt with by the conference.

As it is now, the conference could well be prevented from dealing with major Lake Superior pollution sources simply because they may be defined as "intrastate." The supreme irony would be to see this priceless international resource destroyed decades from now because of a legalism that prevented adequate protective measures.

The Lake Superior conference was called in January by former Secretary of the Interior Stewart Udall. However, the Secretary's authority in a conference which he has called extends only to pollution that has moved interstate. In Lake Superior, there is serious intrastate pollution as well. This is a matter which can readily be brought under jurisdiction of the conference, but only at the request of the Governors.

The fact is that for years the Governors have been as aware as the Secretary that there has been a growing pollution threat to the lake, and had ample time in which to initiate a conference call. Yet they did not, and to this date, have not cleared the way for all pollution of the lake to be covered.

I urge the Governors to take the step now to make sure that all pollution sources can be acted on by the conference.

## RETIRED SENIOR OFFICERS

Mr. MURPHY. Mr. President, in recent days, many have directed their attention to possible abuses of the spirit of the law by retired senior military officers who were employed by industrial concerns which are under contract to the Federal Government, particularly to the Department of Defense. Many of these outstanding industrial corporations are located in California, and as such I am very familiar with the fine work they do in contributing to our national security.

A part of their great technical capabilities is provided by retired senior military officers in their employ. It has been properly stated in the past that what a manufacturer really has to sell is the sum total of the talents and capabilities of its people. I think it is inappropriate that retired military officers who have devoted so much to their country, are in the prime of life from a career perspective and who offer the greatest possible expertise in military matters should be brought under improper and unfair attack.

One of these retired officers, Col. R. P. Alexander, U.S. Army, retired, of La Jolla, Calif., wrote to me on March 28, 1969, on the subject. Any speech I might make along these lines could certainly not better say what the problem of the retired military officer and defense contractor is. Colonel Alexander is articulate and strikes to the heart of the matter and is to be congratulated on his concise review of this important situation.

Mr. President, I ask unanimous consent that Colonel Alexander's letter be printed in the RECORD.

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

MARCH 28, 1969.

Senator GEORGE MURPHY,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: This letter is written to give you my reaction to recent statements and inferences by Senator Proxmire which I consider unfair and deceptive in nature. The issue concerns retired senior military officers now working in defense industry. Since I am one of those named in this accusation my only recourse in defense is through your good offices as my representative in the U.S. Senate.

The implication made by Senator Proxmire is that all the retired officers he named are selling to the active military establishment on behalf of their respective employers. This is not true, nor is it anything like being true. Unlike the senator from Wisconsin, I do not presume to speak for all these officers. I speak only for myself. I have been engaged in systems analysis work for the Convair Division of General Dynamics Corporation since shortly after I retired from active duty. This work involves what we call "mission analysis" which is essentially an interpretation of how the military will be organized and under what doctrine they would conduct operations, either peacekeeping or combat, in the post-1975 time period. To do this type of analysis it is essential that the analyst have an extensive military education and some actual combat experience to provide him with a background of knowledge from which he can study and forecast the future. In my case for example, I had 25 years of active duty experience as an Army engineer, paratrooper, aviator and logistician, have studied aviation in general and military air operations in particular for over 20 years. The results of my work are made available to Convair design engineers (and in some cases the military, free of charge). Convair needs people like me so they can understand the environment in which their aircraft will be expected to operate in the 1975–85 period. Furthermore, my company must possess a high degree of military expertise in order to "understand the problem" and remain in a competitive position in the future. A fair question would be "how is industry to obtain their requisite military expertise"? It appears to be that there are several ways to obtain it.

1. Depend upon regular employees who have in the past been called up for periods of active duty. This is not a good solution since the experience gained by such people, although useful, is generally limited. Also, it follows that these people generally have occupied rather junior positions in the military during their brief periods of service.

2. Send analysts and engineers to serve with the military in the field and request their attendance at military colleges and universities. Although there is a tendency these days to invite representatives from industry to attend some short technical courses conducted by the military, this is not widespread. The idea of sending civilians into the field to learn from the military is not good, probably unworkable and illegal.

3. Recruit active duty military who have the education and experience needed. Very little of this is done as it is considered, and rightfully so, unethical on the part of industry. The services have severe current problems with career personnel retention and skimming the best people by industry would become very unpopular.

4. Hire retired military officers. Looks like the best solution and is mutually advantageous to both parties. I have no objection to current restrictions against selling and personally would not be interested in sales even if it were permitted. I have never met another retired officer who had any interest in selling to DOD agencies.

Naturally, the added income I receive from my employer is a welcome addition to retired pay. However, there are other important reasons why I enjoy my work, both physical and psychological. Basically, I hope that my research will assist the U.S. forces to obtain, in future years, weapons systems which are both effective and more reliable and whose life cycle costs will be lower than past and current materiel.

In conclusion, I do not agree with Senator Proxmire's statement that the employment of so many senior retired military officers by defense industry is "shocking and dangerous to our country". There may be some abuses and if so they should be dealt with individually. A shot gun attack on a group of people who have served their country well serves no useful purpose. I cannot help but wonder what motivates such pontification on the part of a U.S. Senator.

Since it would be useless to correspond directly with Senator Proxmire, I hope that this information has given you some basis for defending our case in the halls of the Senate.

Sincerely,

COL. ROWAN P. ALEXANDER,
*U.S. Army, Retired.*

## "IDOLS, IDEALS, AND INDUSTRY"—COMMENCEMENT ADDRESS BY DR. MARC WEERSING

Mr. HOLLINGS. Mr. President, I was recently honored to be present for the graduation exercises of my alma mater in Charleston, S.C.—The Citadel. On this occasion, the commencement speaker was my friend, Marc Weersing, president of Presbyterian College, in Clinton, S.C.

Dr. Weersing entitled his talk, "Idols, Ideals, and Industry," and in it he offered compelling comments on our contemporary society. At one point, Dr. Weersing stated:

> Identification of idols and ideals must be matched by a new sense of industry if we shall be a part of the answer to the problems of our times, rather than a part of the problems themselves.

I could not agree more. I found his entire presentation not only interesting, but informative, 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:

IDOLS, IDEALS AND INDUSTRY—THE CITADEL COMMENCEMENT ADDRESS, MAY 31, 1969

(By Marc C. Weersing)

It is both a signal honor and cherished privilege that you afford me today in becoming an honorary member of The Citadel Alumni Association. I am most grateful. The opportunity presented in bringing this commencement address is one which literally chills and cheers me. There is a chill because of our crisis times. There is a cheer because of the hope we all have for victory after crisis.

Robert M. Hutchins, former President of the University of Chicago, has described our contemporary society in this fashion. He said, "It is like a little boy, who was impressed by foam and fury, debris and dust. He asked Santa Claus for a volcano—and he got it."

Another author or historian has cryptically observed, "This is a day when executives still have their names on the doors of their offices. Once they were placed there on burnished brass plates, now they are put on 'in water color.'"

However, we may view our times and tensions, our troubles and our traumas, three ideas come clear with consistency and constancy. A person who graduates from The Citadel or any college will dramatically face these ideas. They are inescapable. They are thrust upon us. They force their way into our creed and conduct, our belief and behavior, our minds and our manners.

Either we will worship at the shrines of idols—or,

We will, with might, maintain our ideals—

Either we shall work out our life with industriousness and devotion, or we shall be a drain and plague in society.

The first citizen of America, our President, highlighted the primary needs of our time in his inaugural address, when he said, "We find ourselves rich in goods but ragged in spirit—reaching with magnificent precision for the moon, but falling into raucous discord on earth—To the crisis of the spirit we need an answer of the spirit—We cannot learn from one another until we stop shouting at one another." Richard Nixon.

George Romney, *on America:* "Our founding fathers did not hand any generation of Americans a neatly packaged, ready-made America. Instead they handed us a set of tools—principles and institutions—for us to use in shaping the kind of nation we want. The people must win and rewin America in every generation."

A man who has "stood in the gap" on one of America's great campuses, which has literally been shaken until her teeth rattled, recently wrote, "The battle is between the forces of anarchy, and the citadel of reason, our enemies are cowards, they must resort to violence, lies and deceit." W. L. Hayakawa.

OUR SUBJECT: "IDOLS, IDEALS AND INDUSTRY"

*I. There are idols in our itme, which are*

*being worshipped, to the hurt of our society. Hopefully, we will not worship in this way.*

The *first* is the idol identified as *scientism*. There are worshippers of this false God who give the impression that science will save us. On the contrary, this idol will not just go away because we wish it so. Anyone involved in education knows that science and scientists have been a great boon to our civilization. Yet we would be foolhardy if we did not realistically recognize that science can and does damn as well as save. Who can forget that Joseph Goebbels, the architect of science for Hitler's war machine, was a first-rate scientist? He owned a Ph. D. degree, was a scholar of the highest order, and yet used science for ignoble ends. Increasingly, as individuals and as a society, we shall be forced to mold the results of scientific endeavor into a blessing for mankind or it will become an ambassador of death. The age of the atom is here. It will be creative and bless us, or, it will be a curse and will be used to blow our world to bits. The future belongs to those who will not worship this false God.

The *second* of the current idols is the emphasis on material or physical expansion. Because a thing is bigger, it is not necessarily better. Yet, we are almost suffocated by what are blasts of emphases currently bombarding us. The word is, "We must have more, and we shall thereby be better." We must have more and we shall get it by fair means if possible, but by force and foul means if necessary. Good men often are being deluded by this foolish fancy. From the cradle to the grave the incessant emphasis has become, "larger homes, bigger companies, giant enterprises, and a growing gross national product." Even our colleges and universities have not entirely escaped what seems to be a mania for great size. Greatness in size is never a guarantee for goodness. It can be an idol.

The *third* idol is the impersonalness of much of the conduct of the affairs of life today. Perhaps it cannot be helped, and yet, we have thrown in the towel too readily. The restlessness, resentment and even the rioting, about which we hear so much, are basically a result of the refusal of men to become mere blobs on a piece of paper, a card with a number for the computer, a faceless name in human relationships. You may be certain that we shall never succeed so long as we worship at the shrine of impersonalness. The human equation is a factor in finding the solution of society's problems in any era, our own included.

The *fourth* idol of our day was described by a famous author as, "the idea of freedom as a sacred cow." The word and idea we call freedom has been debased in our presence until it is hardly recognizable. Any reading of a current magazine or newspaper carries ample evidence of the debaucle we are witnessing. Freedom is not for anarchy, and yet, we have anarchists who claim their action flows from freedom. Freedom is not for irresponsible action, yet there are devotees of this type of behavior. Freedom is not for destruction, but there are those who seem to believe destruction is freedom's goal. This concept of freedom is an idol and should be known by its true name, a false god. One has freedom only to be the best he can be, to do the greatest good he can accomplish, to build for the good of men.

"It is a troubling fact that few Americans can view their land without wondering whether it is not somehow going to hell and to heaven at the same time. The world's richest, strongest nation has never deserved its superlatives more. Yet rarely has it felt so racked and confused, so unable to yoke its power to its problems," (*Time*, January 24, 1969). *Also*, "Perhaps for the first time we have been forced to face the ambiguities and the ambivalence of all human action. More specifically, tell me the shrine at which a man worships, and I will predict his future without possible errors. Learn to recognize the idols, and we shall then be one long step on the way to a confident future and a certain goal which is worthy of our striving. Sincere men do not worship willingly at the shrine of false gods.

*II. Take the next step with me. If there are idols to be avoided, there are also ideals to which we may well bring our choices. Standards for our values, goals for our striving, and purposes to which to bring our powers—these are "musts."*

The first ideal, it seems to me, lies within the area of *discovering a disciplined freedom* as we move toward worthy goals for our world and ourselves. We revel in the ideal of freedom, but we must eventually reach the conclusion that freedom maintained, means freedom properly directed. There is no more sublime concept portrayed in language than in the simple and profound word "duty." The person who accepts the freedom involved in opportunity accepts also the discipline involved in productivity. One is never free to waste or abuse, if he cherishes achievement. The individual who is given opportunity to reach adopted goals, is obliged to prepare himself to take the necessary steps to reach the goals. "Wishing alone, will never make it so." Careful analysis, deliberate decisiveness, deduction of every effort—these are the ingredients which make true freedom a reality, make realization of goals a possibility. The flight from disciplines, the improper response to authority—these always precede failure. Let me urge you, therefore, to never allow yourselves to rest until you have discovered a disciplined freedom as an ideal.

The second ideal involves a heightened sense of the need that exists, for the investment of ourselves, even to the point of sacrifice, for the good of our world. In church circles this is called stewardship. In the civic clubs it is called service. In the military it is called "devotion beyond the call of duty." By whatever name we call it, there is evidence that our world has unbelievable but genuine need. Many of our world's people have no hope or ability to meet the need. They must have help, or helpless and hopeless, they will destroy the possibility of world peace or stability. Our world cannot long endure half starved and half fed, half educated and half ignorant, half healthy and half sick, half slave and half free. The clear call today is for pioneers to teach the ignorant, to help the hungry to feed themselves, to heal the sick and to liberate the captives. Our earth is no longer a world. It is a neighborhood. What happens in Asia is happening on our street, on our block, within seeing and hearing distance of our homes and families. Our own nation is no exception. We have need of stewards. Response to this need will never be easy. It will always be necessary. I urge you not only to discover a disciplined freedom, but also the joys and satisfactions of sacrificial investment of yourselves to meet and solve the needs of our world.

The third ideal relates to the maintaining and strengthening of the *ideal of the dignity* and even the sacred nature, of the individual person. A former president of Yale University said it this way, "For 9,000 years society has depended upon individuals for those creative achievements of mind and spirit that have guided it along the path of civilization. The spark from heaven falls. Who picks it up? The crowd? Never. The individual? Always. It is he and he alone as artist, inventor, explorer, scholar, scientist, spiritual leader or statesman, who stands nearest to the source of life and transmits its essence to his fellowman. Wisdom and virtue cannot be forced from a crowd as eggs from chickens under electric lights. There is no such thing as general intelligence. There is only individual intelligence. And there is no such thing as public morality. There is only a composite of private morality." There is a revolt against facelessness. It is a revolution for identity, for self-respect and for dignity. We shall irreparably lose the struggle if we lose the person. We shall lack the power to prevail if the individual is inundated in the great swells of development which are upon us. I may be only one, but I am one. I cannot do everything, but I can do something, and I will do it. So it goes, and nothing yet has been able to change it. It shall continue to be so. This is our hope, our ideal.

The fourth ideal is found in the familiar word of the divine author of faith. He said, "You shall know the truth and *the truth shall make you free.*" We are inheritors of and debtors to the Hebrew-Christian tradition. More than any other system of tradition it has insisted we must ask at every moment and each turn in the road, "Is it true?" "Is it in harmony with things as they should be?" "Does it describe our world as it really is, and does it describe the way in which man must go, if he wishes to arrive victoriously?" It is truth alone which will liberate us. We are to become "stalkers of meaning," dissatisfied, restless until the truth is known. Liberty and learning must lean on each other for support if we shall save either one and not lose both. General Dwight D. Eisenhower and great President of this nation once said it this way, "It takes no great brains to be an atheist. Any stupid person can deny the existence of a supernatural power because man's physical senses cannot detect it. But there cannot be ignored, the influence of conscience, the respect we feel for moral law, the mystery of first life on what once must have been a molten mass, or the marvelous order in which the universe moves about us on this earth. All of these evidence the handiwork of a beneficent deity. For my part, that deity is the God of the Bible and of Christ, His Son."

*III. Identification of idols and ideals must certainly be matched by a new sense of industry if we shall be a part of the answer to the problems of our times, rather than a part of the problems themselves.*

A large percentage of you shall shortly find yourselves actively participating with other members of the Armed Forces in the defense of our nation. The genius of significant living is still very much as Edison is said to have defined it, "Ninety-nine per cent perspiration and one per cent inspiration." Industriousness cannot be achieved easily since we live in a day of great affluence on the one hand, and a day of great despair and disillusionment on the other. Nonetheless, the future belongs to those who have found the part they are to take; who are doing the work for which they are best endowed; who are satisfied that they are filling a vital need; who are meeting their obligations and standing up to their tasks. The days of blood and sweat, yes and even tears, may not yet be past. "The hallmark of courage," writes Rollo May, "in our age of conformity is the capacity to stand on one's own convictions—not obstinately or defiantly nor as a gesture of retaliation, but simply because these are what one believes."

Sir Owen Seaman has described it in his poem entitled, "Between Midnight and Morning."

"Ye that have faith to look with fearless eyes
Beyond the tragedy of a world at strife,
And trust that out of night and death shall rise
The dawn of an ampler life;
Rejoice, whatever anguish rend your heart,
That God has given you a priceless dower,
To live in these great times and have your part
In freedom's crowning hour;
That you may tell your sons who see the light
High in the heavens—their heritage to take—
'I saw the powers of darkness put to flight,
I saw the morning break.'"

Another poet has matched creed and courage in this confession:

"On the far reef the breakers
Recoil in shattered foam;
And ever the sea behind them
Urges its forces home;
Its chant 'If triumph surges
Thro all the thunderous din,
The wave may break in failure,
But the tide is sure to win.'

"O mighty sea thy message
in changing spray is cast;
Within God's plan of progress
It matters not at last,
How wide the shores of evil,
How strong the reefs of sin;
The wave may be defeated,
But the tide is sure to win."

These are idols, false gods, which must be avoided at all costs. There are ideals to be accepted and activated. Industriousness, despite affluence or despair, must characterize conduct in life's affairs.

The catalytic agent in all of this is illustrated by a story out of military history, said to be a true story. The battle had gone badly for the American troops. A group of men, with a sergeant in command, had been separated from the main body of soldiers. Sure annihilation seemed the only prospect for them. Time for planning was short. The sergeant ordered the men to line up, side by side. There were about thirty of them. The sergeant said, "You men know the trouble we're in. If we're going to get out of this trap, we've got a job to do. I want some volunteers for scout duty. It will be dangerous. You may not get back. We're going to have to find the location of the enemy and a way back to our own army. You don't have to volunteer. No one will think less of you if you don't do it. But I'm going to turn around and count to twenty. Anyone who wants to volunteer for this dangerous mission, take three steps forward." The sergeant turned around. Slowly he counted. He reached twenty and turned around.

There they stood, all thirty of them, still in a straight line. And then it happened. The sergeant said things, as only sergeants can say them, to the men. His face was red, his neck veins stood out, he was angry, ashamed and mortified. As he was drawing fresh breath to start again, a shy but courageous private 1/c said, "But Sir, we all took three steps forward."

Our congratulations to you and the congratulations are warm. They come with appreciation. We wish for you, that you may live all of your life, that you may achieve significance and that you may find the truth that sets you free. May you always *"take three steps forward."*

## THE PESTICIDE PERIL—XVII

Mr. NELSON. Mr. President, public concern about the threat to our environment to man himself from the use of persistent, toxic pesticides stretches from the highest levels of the Federal Government to State legislatures and now even to town boards.

Secretary of Health, Education, and Welfare Robert Finch recently announced the establishment of a Commission on Pesticides and Their Relationship to Environmental Health. President Nixon has created an interdepartmental Council on Environmental Quality with Cabinet status and has assigned the pesticide problem as a top priority item.

Arizona and Michigan have already banned the use of DDT in their States. A citizens petition to ban DDT is under active consideration in Wisconsin. Many other States throughout the Nation have similar measures pending before their legislatures.

Now the Huntington Town Board, Long Island, N.Y., has recognized the danger pesticides pose to the environment and has banned the use of DDT and other chlorinated hydrocarbons within the town.

In a letter I recently received, Huntington Town Supervisor Jerome A. Ambro said:

We are proud to have taken this precedent-shattering step and can only fervently hope that other municipalities and governmental units will follow suit.

Mr. President, I ask unanimous consent that Mr. Ambro's letter, a report from the June 9 issue of Newsday, and several other news clippings on the commendable action of the town of Huntington be printed in the RECORD.

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

HUNTINGTON, N.Y.,
*June 12, 1969.*

Senator GAYLORD NELSON
*Senate Office Building*
*Washington, D.C.*

DEAR SENATOR NELSON: I was very interested to read a number of your inserts in the *Congressional Record* under the general title "The Pesticide Peril," and happy to note that a legislator of your stature is in the forefront of the critical battle against the indiscriminate use of pesticides.

Because of your knowledge and activity in this area, I thought that you would be pleased to learn that on Tuesday, June 3rd, 1969, the Huntington Town Board approved the nation's first ban on DDT and other hard pesticides to be enacted on a Town-wide level. Anxious to protect our environment from the deleterious effects of toxic poisons, we acted to outlaw the use of DDT and two other chlorinated hydrocarbons, dieldren and aldrin, within the Town.

Although we anticipate revision and amendment of the ordinance in light of future scientific research, we are proud to have taken this precedent-shattering step and can only fervently hope that other municipalities and governmental units will follow suit.

For your information, I am enclosing a copy of our new ordinance (Chapter 33 of the Consolidated Code of the Town of Huntington) and a number of press clippings that appeared as a result of our action.

If there is anything that we can do to aid in the passage of your proposed legislation, we would be most happy to do so.

Sincerely,

JEROME A. AMBRO,
*Supervisor.*

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CODE OF THE TOWN OF HUNTINGTON

CHAPTER 33. PESTICIDES

*Section 33-1. Findings and purpose*

While the value of pesticides in controlling undesirable insects, fungi and rodents has been well established, the widespread and sometimes indiscriminate use of pesticides, especially those pesticides which do not degrade rapidly after use, has resulted in serious major problems by disrupting the ecological balance, causing permanent injury or death to fish and wildlife, and by posing potential threats to the health and welfare of the people. It is necessary, therefore, in order to protect the health, safety and welfare of the residents of the Town of Huntington, to find a solution to such problems. It is the purpose of this Chapter to monitor the build up of pesticide residues in the environment, fish and wildlife and man, and to foster and stimulate control of those pesticides that will break down in the air, soil and water more rapidly after use than those presently in use.

*Section 33-2. Prohibition*

It shall be unlawful for any person, firm or corporation to spray with any of the following: Dieldrin, Aldrin, Dichlorodiphenyltrichloroethane (DDT), or a combination of any of the above listed chemicals.

*Section 33-3. Penalties*

Any person, firm or corporation who violates any portion of this Ordinance shall be deemed guilty of a violation, and upon conviction, thereof shall be punished by a fine not exceeding Two Hundred Fifty ($250.00) Dollars, or by imprisonment for a period not in excess of 15 days or both.

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[From Newsday, June 9, 1969]

BANNING DDT

The Huntington Town Board merits praise for alertness in voting to ban the use of DDT and other "hard" pesticides within the town, but the menace posed by these chemicals will never be controlled if this sort of legislation is enacted only at the town level.

The problem is one that should be attacked by the Congress and by state legislatures. In 1948, Sweden awarded the Nobel Prize to the Swiss chemist who developed DDT, but earlier this year Sweden became the first nation in the world to ban the use of the chemical. In the 21 years between the prize ceremony and the ban, the Swedes examined the growing body of evidence testifying to the danger of DDT and changed their minds about this "miracle" pesticide.

DDT and other "hard" pesticides are effective killers, but they are also enduring and indiscriminate. They do not break down into harmless compounds. Instead, they linger in the soil for years, contaminating the vegetation and the wildlife that feeds on the vegetation. Sen. Gaylord Nelson (D-Wis.) has been leading the fight in the Congress for a nationwide ban on DDT, but his bills have never gotten out of committee. In April, the Department of Health, Education and Welfare established an expert advisory committee to study the health hazards posed by pesticides. This federal action came seven years after the late Rachel Carson first made the pesticide menace widely known in her book "Silent Spring." The initial flurry of concern stirred by that book soon subsided, but evidence of the danger posed by DDT has continued to accumulate. These pesticides threaten the earth's ecological balance. The Huntington Town Board has recognized this danger. It is a sad reflection on the alertness of the Congress when a town board has to do its work.

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[From the Long Island (N.Y.) Press, May 23, 1969]

STRICT PESTICIDE CURBS PENNED INTO HUNTINGTON TOWN CODE

(By Estelle P. Sammis)

A complete uniform code of all Huntington Town's ordinances and local laws will be the subject of a public hearing next Monday at 8 p.m. at the Oldfields Junior High School auditorium, Greenlawn Road, Greenlawn.

As part of the proposal, the town would repeal all existing codes, laws and ordinances on the effective date of the new code. The proposed code includes totally new laws governing the use of pesticides and definitions and penalties for both loitering and trespass.

Other sections dealing with garbage, debris on lots, littering, waterways and safety of water skiers, dog control and general littering would be tightened, according to Town Attorney Arthur Goldstein.

All of the town's zoning laws, including a new zoning map and table, are included in the proposed code, together with all town highway traffic regulations.

Huntington adopted a new zoning ordinance several months ago and its legality has since been questioned by Charles Matthews, attorney for Thomas Manno, the principal applicant for a controversial shopping center at the northeast corner of Route 110 and Northern State Parkway.

Town Councilman Richard D. Kinsella, lone Republican member of the town board and an original supporter of the shopping center zoning, last week refused to vote for the code hearing. He said he was "suspicious" that it might be a means of validating the questioned zoning ordinance.

A majority of the town board and its legal staff say that zoning ordinance is legal, but despite its recent date, must be included in the consolidated code to give it completeness and continuity.

Conservationists, who constitute an ever-growing segment of population and influence in the town, are expected to give strong support at the hearing to the new chapter limiting the use of pesticides.

Imposing a penalty of $250 and/or 15 days in jail; the pesticide section recognizes the value of some in the control of fungi and rodents. It cites that "the sometimes indiscriminate use of pesticides, especially those which do not degrade rapidly after use, has resulted in serious major problems by disrupting the ecological balance, causing permanent injury or death to fish and wildlife and posing potential threats to the health and welfare of the people."

The new law is aimed at fostering the use of pesticides that will break down in the air, soil and water.

The proposed law would ban the use of 16 commercial sprays and insecticides, including the most commonly known DDT.

Other conservation features of the ordinance include protection and propagation of shellfish, establishment of no-firearms districts, ban on filling streams, ponds, lakes and water-courses, removal of vegetation, plants, shrubs and flowers, and gravel excavations.

Huntington Supervisor Jerome A. Ambro, who authorized the preparation of a consolidated code for the town early in his administration last year, says it is "designed to recognize, protect and cherish the irreplaceable beauty and benefits of our natural environment."

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[From the Suffolk (N.Y.) Sun, May 23, 1969]

TOWN PROPOSES PESTICIDE LAW

HUNTINGTON.—The town has proposed a new pesticide law and a change in its littering law, under a proposed consolidation of codes:

The proposed law on pesitcides prohibits the use of DDT and 15 other pesticides that have cumulative and residual effects. The proposed law will be discussed at a public hearing June 2. Under the law, any person, firm or corporation would be prohibited from spraying with any of the chemicals. The penalty would be a maximum fine of $250 or imprisonment for up to 15 days.

Supervisor Jerome A. Ambro said the law was framed after a federal bill now before the Congress. Ambro said he feels that if the law is passed, it will be the most progressive law against pesticides on Long Island.

Ambro said the list of pesticides is not a firm one and can be amended after the public hearing. One amendment he might suggest is the elimination of Servin, which is said to chemically break down quickly, from the list. Servin has been recommended in many instances as a substitute for DDT.

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[From the Long Island (N.Y.) Press, June 3, 1969]

PROPOSED PESTICIDE BAN HOTLY DEBATED IN HUNTINGTON

A proposed ban on the use of DDT, Chlordane and other chlorinated hydrocarbons caused the biggest buzz last night as the Huntington Town Board held a public hearing on a consolidated code combining all local laws enacted since 1939.

Scores of regulations—ranging from zoning and waterways to traffic stop signs—were ignored by most of the 200 persons attending the hearing in Greenlawn who were there to take sides for and against pesticides.

Opposing a ban on the use of pesticides were nurserymen, tree experts and members of commercial garden groups.

Kenneth Deegan, a Huntington attorney, said he was retained by the Long Island nurserymen, arborists, gardeners, farm bureau and pest control associations.

Giving testimony for him against local controls were Dr. James Dewey of Cornell University, Dr. Austin Frishman, a medical entomologist, and Dr. Philip Spears, technical adviser to the National Pest Control Association. They claimed the dangers from pesticides are far less than the dangers pests pose to people.

But DDT was called "a contaminant and danger to everything that lives" by Dr. Charles F. Wurster, chairman of the Science Advisory Committee Environmental Defense Fund Inc. of Brookhaven National Laboratory.

Dr. Wurster praised Huntington for taking "a national lead" in barring insecticides which he said threaten extinction of many species of birds and the collapse of many major fisheries. He charged at the meeting that many of those opposed to the controls had "vested business interests."

Supervisor Jerome A. Ambro said the pesticide clauses are "an attempt to safeguard the community for future generations by pointing out the deleterious effects of toxic poisons."

The absence of several attorneys who had challenged Huntington's zoning in the courts was construed to portend possible litigation against the entire ordinance. The presence of an attorney at a hearing prevents him by law from challenging the validity of the legal notice by which it was called, the observers agreed.

The board reserved decision.

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[From Newsday, May 27, 1969]

HUNTINGTON PROPOSES BAN ON DDT

(By Frances Cerra)

HUNTINGTON.—The town has proposed a law to ban the use of DDT and a host of other so-called hard pesticides in the town. If approved, the law would be the broadest such ban in the U.S.

The proposed law, which will be discussed at a public hearing June 2, would prohibit any person, firm or corporation to spray with any of 16 chemicals including DDT, Dieldrin, Endrin, Aldrin and Sevin. The penalty would be a maximum fine of $250 or imprisonment for up to 15 days or both.

"I think the use of a broad spectrum of insecticides which have cumulative and residual effects should be banned," said Town Supervisor Jerome A. Ambro in explaining the reasons for the law. "We should set a precedent for the towns, the county and the nation."

Jack Foehrenbach, a senior analytical chemist for the State Conservation Department who has studied the effects of DDT on Long Island shellfish, said the town should have prohibited possession, and not just use, of the chemicals. "If it's in your garage, you're going to use it," he said. "They're going to have to catch people actually spraying and then analyze the spray. People shouldn't have them in the first place." Ambro conceded that Foehrenbach might be right and emphasized that the law could be amended after a public hearing.

The chemical structure of DDT and other "hard" pesticides, known chemically as chlorinated hydrocarbons, breaks down very slowly or not at all after application, and the chemicals seep through the ground into water supplies. At present, according to Foehrenbach, shellfish in the area contain minute amounts of DDT, and other scientists have blamed the large-scale deaths of Lake Michigan salmon in 1968 on DDT spraying. Other scientists have attribtued an increased incidence of possibly cancerous tumors in mice to very high dosages of DDT. However, a U.S. Department of Agriculture official recently told a Senate subcommittee investigating the effects of DDT that it is "indispensable for life as we know it today."

Michigan has an indefinite ban on the use of DDT, with tougher penalties than those proposed in Huntington; Arizona has halted the sale or use of DDT for at least one year, and hearings are under way in Madison, Wis., on a petition to outlaw the pesticide in that state.

The Huntington law would go further by adding other pesticides to the ban. Anthony Taormina, the chief wildlife biologist for the conservation department on Long Island, said he disagreed with the proposed ban on one pesticide. "I wouldn't agree with all of those," he said, "particularly Sevin, which does break down rapidly." However Ambro said that the list is not firm and could be revised.

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[From Newsday, June 5, 1969]

OTHER LONG ISLAND TOWNS STUDY BAN ON DDT

Officials of several Long Island towns said yesterday that they are studying the possibility of passing anti-DDT laws similar to the one adopted by the Town of Huntington on Tuesday.

But in other towns, a lukewarm reaction indicated little likelihood that the insecticide, which some naturalists believe is threatening some species of wildlife, including the American eagle, with extinction, will soon be prohibited throughout Long Island.

"We're not interested," said Supervisor Harry J. Kangieser of Islip. But Shelter Island Supervisor Evans K. Griffing said that his township was concerned about DDT. "I personally would like to see a ban on all those hard chemicals," he said. He referred to insecticides that do not break down easily but remain in the environment long after they are used.

Hempstead Town Presiding Supervisor Ralph G. Caso said that he had instructed his staff to study both the scientific and legal feasibility of such a law in Hempstead. But he refused to commit himself. Nassau County Executive Nickerson said that he would ask his health department for a recommendation on the possibility of a county law banning the chemical. While the Nassau County Health Department and the county agricultural extension service recommend against the use of DDT, a health department spokesman said he did not think that a county law was needed because of the lack of agriculture in the county compared with Suffolk.

Donal Mahoney, deputy supervisor of the Town of North Hempstead, said that the issue had not been raised there, even by the conservationist groups that usually lead such movements. "But I believe the town would consider a law if it is warranted," he said.

In addition to prohibiting the use of DDT, the Huntington board voted, 4–0, to outlaw dieldrin and aldrin, two pesticides whose staying power is similar to DDT's. A Huntington group made up of landscapers, sod growers and pest exterminators condemned the new law yesterday, pointing out that the state agriculture commissioner has not banned DDT, and said that local anti-DDT laws could put New York State "in the condition of medieval Europe with every petty tyrant dictating his personal opinion on the free movement of trade and community service."

[From the Suffolk (N.Y.) Sun, June 3, 1969]

PESTICIDE BAN DRAWS FIRE

(By Becky Klock)

HUNTINGTON.—A public hearing erupted Monday night on the issue of a pesticide ban after 300 persons had listened quietly through 32 other chapters of a town ordinance recodification proposal.

"We have a vested right to live. You say we have a vested right to commit suicide," said Alex McKay of the Huntington Audubon Society to a group of residents who spoke against the proposed ban.

Most people at the hearing favored the board's proposal to ban the use of eight pesticides in the town. Former Supervisor Robert J. Flynn commended the board "for having accomplished something I would have liked to accomplish."

However, some disagreement was expressed over Chapter 33 of the code—the chapter dealing with pesticides.

Kenneth Deegan, an attorney, criticized the board for not holding a separate hearing on the pesticide ordinance. Deegan said he represents several groups, including the Long Island Nursery Men, the Long Island Arborist Association, the Long Island Farm Bureau and the Long Island Pest Control Association.

"I am deeply disturbed," Deegan said, "that something which maintains this beautiful town of Huntington has been put to public hearing with everything from littering to dogs."

Deegan also noted that if the ordinance is passed, it will be unique in New York State and, therefore, surely deserved a special hearing.

Under the proposed ordinance, eight chemicals would be banned. Maximum penalties for violation would be a $250 fine and 15 days in jail. The eight chemicals are considered "hard chemicals" which do not break down quickly or lose their toxic characteristics.

Deegan argued that there cannot be an absolute prohibition on pesticides.

Dr. James Dewey, pesticide coordinator for the State College of Agriculture at Cornell University said that in some instances there is no satisfactory alternative for the pesticides which will be banned.

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[From Suffolk (N.Y.) Sun., June 4, 1969]

HUNTINGTON BOARD BANS THREE PESTICIDES

(By Becky Klock)

HUNTINGTON.—The town board approved Tuesday the codification of all town ordinances, including one that bans the use of three "hard" chemical pesticides, among them DDT.

Chapter 33, the controversial pesticide ordinance in the code, originally outlawed 16 chemicals but the total was later shaved to eight which are considered persistent and particularly toxic.

Before the board meeting Tuesday that figure was again reduced and now includes only the three that Supervisor Jerome A. Ambro called "the most persistent, most toxic and most harmful of the pesticides: DDT, aldrin and dieldrin."

Kenneth Deegan, attorney for half a dozen Suffolk agricultural and pest control groups, also criticized the revised ordinance, stating that he felt the town had no legal power to pass legislation in an area in which New York State already has passed broad legislation.

"Mr. Ambro is going to make a criminal out of every housewife in the Town of Huntington who pushes the button on a spray can containing these ingredients," he said.

Ambro admitted that enforcement of the law may be difficult but that he hoped "people of good will and good faith will cooperate. That doesn't mean that we won't try to enforce it, but we will have to get the cooperation of the nurserymen as well as the homeowners."

He said that he is not satisfied with the ordinance as it stands and anticipates "constant revision and amending. We must have spent a good hour last night on termites. It was obvious we couldn't ban all termite controls so, although chlordane is a "hard" pesticide and should be banned, it was approved because it can substitute for DDT in that case."

Ambro said that the board opposes pesticides that were used on what he called a "broad spectrum" basis, such as DDT. "Chlordane can be used, selectively against subterranean termites, by sticking a tube under the foundations and inserting it that way. We left it out of the ban for that reason.

"I don't think this imposes any problems on the nurserymen, farmers or agriculturist of this town. We must remember that the quality of the environment is paramount," he said.

The board passed the entire codification with our approving votes and one abstention. Richard D. Kinsella, the board's only Republican, did not vote. He said he supported the idea of codification, but thought the board was "mighty presumptive to hold a public hearing 16 hours ago and assume everyone in the town of Huntington has had time to study it (the code)." He said he felt that separate hearings should have been held.

In other business the board appointed Ruth H. Brown as director of the town's senior citizens program and also authorized applications, one to conduct a feasibility study for expanded bus transportation, the second for a grant to extend present bus lines.

Beginning Tuesday, the Third District Court will convene in the town board meeting room until court facilities have been enlarged and refurbished.

Ambro added that, even with the scope of the ban limited to three pesticides, it is "precedent-shattering." He said that the board had agreed, in the wake of a boisterous public hearing Monday night, to take on the problem of pesticides "in smaller bites. All three (pesticides) have non-persistent, quickly-decomposing substitutes."

At the public hearing more than 100 nurserymen, farmers and agriculturists, accompanied by an attorney and several experts in the field of pest control, argued that the ban would put them out of business in Huntington as well as leave the way open for invasions of heretofore-controllable insects.

Robert H. Brewster, a county agent with the Suffolk agricultural extension services, reiterated Tuesday the stand he had taken Monday evening. "I'm opposed to banning pesticides, period."

Brewster said that he did not object to regulation or restriction of usage by inexperienced gardeners and homeowners but added, "This anti-pollution can't be achieved by bans. I think its a shame that Huntington residents will be deprived of controlling 14 insects against which these three materials are recommended. There are no substitutes I know of."

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[From the Long Island (N.Y.) Press, June 5, 1969]

HUNTINGTON TAKES THE LEAD

More far-sighted than states and localities across the land, Huntington Town has banned the use of DDT and two other "hard" pesticides, dieldrin and aldrin. Supervisor Jerome A. Ambro's determined efforts did much to assure passage of the ban.

The "hard" pesticides do not dissipate with time. As they accumulate, they threaten all forms of life on land, in the sea, and in the air. DDT has even been found in the bodies of penguins in arctic wastes far from agricultural sources. It is a global menace, recognized and prohibited only by Sweden and two U.S. states—not including New York.

New York City has gone only part way. Its Park Department stopped using DDT, substituting safer pesticides. Six years after the President's Scientific Advisory Committee urged a ban, Washington yielded to pressure and has just started another two-year study of DDT.

Now that one Suffolk town has acted, others may follow, but real protection can come only when all cities, states and nations ban DDT.

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[From Newsday, June 4, 1969]

HUNTINGTON BANS DDT: ENFORCEMENT A PROBLEM

(By George DeWan)

HUNTINGTON—The next time that little old lady next door toddles out to her back yard to spray the nasty bugs on her rose bushes she may be breaking the law. But she probably will get away with it.

The little old lady will be flirting with the law because the use of DDT and two other so-called hard pesticides was banned in Huntington yesterday as the town board voted 4–0 to adopt a lengthy town code, effective June 22, incorporating all of its ordinances into one two-volume package.

The pesticide ban came within 24 hours of a public hearing at which opposition to such a prohibition numbered support by a 3–1 ratio. However the list of eight pesticides included in the proposed ordinance was reduced to three, DDT, dieldrin and aldrin, in the law passed yesterday. "These are the most toxic, the most persistent and have the most effect on the environment," Supervisor Jerome Ambro said after the board meeting. "And there are nonpersistent substitutes for them."

The next problem, however, is enforcement of the law, which applies to use of the pesticides, not possession or sale. "There is an enforcement problem," Ambro admitted. "People of good will and good faith will cooperate. But that doesn't mean that we will not attempt to enforce it ourselves through our code compliance bureau."

The bureau is headed by Donald Dilworth. Dilworth said that emphasis of the five-man bureau would be on the professionals, such as nurserymen, who use an estimated 85 percent of the DDT. Speakers at the hearing indicated that DDT is widely used as a base in insecticides sold for home use.

"We'll have to check occasionally with the commercial people to see what kind of pesticides they are using," Dilworth said. "But I hardly see where the little old lady in the back yard is going to come to our attention." The law carries a fine of up to $250 and 15 days in jail for violators.

Councilman Richard Kinsella, the lone Republican on the Democratic-controlled town board, abstained from voting on the town code.

There is no state ban on DDT or other pesticides and the Cooperative Extension Service of Cornell University, which guides New York State's official agricultural pesticide policy, does not favor banning DDT, according to a recent fact sheet.

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[From the Suffolk (N.Y.) Sun, June 9, 1969]

DDT TALK IS TURNING INTO ACTION

(By Ann Carl)

Some enlightened people are beginning to do something about DDT in the environment. They're not just talking about it any more.

Last month Sweden banned DDT. At about the same time two American states—Arizona and Michigan—also banned it. Hearings have been held in Wisconsin for similar legislation.

Sixty West Coast scientists have urged Gov. Reagan of California to do the same. Meanwhile, the Department of Health, Education, and Welfare has appointed a task force to study pesticides. The new Council for Environmental Quality has given the evalua-

tion of DDT-like compounds a number one priority.

But the first town in the United States to translate into action its concern about the dangers of adding more DDT to our ecosystem is Huntington, Long Island. In a 4–0 decision last week, it passed an ordinance which will prohibit the use of DDT, and two other chlorinated hydrocarbons, dieldrin and aldrin. This came about in spite of organized opposition from nurserymen and exterminators, and the threat of legal action.

"The present town board," Supervisor Jerome Ambro said, "is vitally interested in the issues of conservation, and we're anxious to get laws on the books that will protect our environment—while we're still in office."

Huntington has other firsts in conservation that have been subsequently taken up by other towns. It was the first to make use of the enabling legislation to set up conservation advisory councils. It was this council, in fact, which recommended the present pesticide ordinance. It has also—with the help of the Huntington Audubon Society—inventoried its ponds, open lands, wetlands and other natural resources.

Last year, the town objected to the state's massive aerial spraying with the insecticide Sevin for the gypsy moth. And it is on record as opposing the siting of a nuclear power plant along its shores. Another project it has taken on is an attempt to return the head of Cold Spring Harbor to its earlier, more natural, marine character.

Part of the objection to the DDT ordinance arose from a misunderstanding. The list of prohibited pesticides was taken from one research by ACTION for the Preservation and Conservation of the North Shore, and also included, before the error was caught, a similar list ACTION had made of permissible chemicals. Both nurserymen and exterminators saw all avenues closed to them.

Dr. Charles Wurster recommended that the list be cut to DDT, dieldrin and aldrin. This would leave alternatives for every nurseryman's use and chlordane for exterminators.

But there simply is no longer a case for using DDT, according to Dr. Wurster, of the Department of Biological Sciences, State University at Stony Brook, and a founder of the Environmental Defense Fund. "Its dispersion throughout the world far from its original source, its concentration—or magnification—throughout the biological food chain, and its lethal and long-term effects upon fish and wildlife are now well-documented. And provocative studies indicate detrimental liver metabolism and possible carcinogenisis in man."

In answer to arguments in support of DDT, made by such opposition witnesses as Dr. James Dewey of Cornell and Dr. Austin Frieshman of Farmingdale's State Agricultural and Technical Institute, Dr. Wurster pointed out there are no adequate state or federal regulations for its use.

A good part of the reason for the change toward action to ban DDT is the Environmental Defense Fund tactic of taking agencies using DDT or dieldrin to court (in Michigan, Wisconsin and New York) where statements of the chemical companies have not stood up under cross examination by scientific experts. EDF counsel Victor Yannancone Jr., of Patchogue, has tried to demonstrate that "the entire world population is presently being used as the involuntary subject of an uncontrolled experiment." As Alex McKay, Huntington Audubon Society president, pointed out at the hearing, "Human beings now hold such high concentrations of DDT in their fatty tissue, they would not be fit to eat by Food and Drug standards."

One problem for nurserymen, as Thomas Patterson, of Pan-Field Nurseries in Huntington, demonstrated, is that certain insecticides are required by the state before nursery stock is sold, no matter what a nurseryman might feel is best. The Conservation Council of New York State, however, has organized a campaign to get legislation passed in the next Legislature that would ban "DDT and the seven most persistent hard pesticides in the state." Sen. Bernard Smith will conduct hearings. Suffolk County has had a temporary ban for three years. Nassau long ago saw the light and uses more expensive pyrethrums.

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[From the Long Island (N.Y.) Press, June 4, 1969]

HUNTINGTON BECOMES FIRST TOWN TO BAN USE OF DDT

Huntington yesterday became the first town in the state to ban the use of DDT and two other pesticides, and officials said they hoped other municipalities would follow the lead.

The action was part of a consolidated code of all town laws enacted over a 30-year period, governing waterways, zoning, building, loitering, traffic and scores of other regulations.

Town Councilman Richard D. Kinsella refused to vote, calling the action "too hasty—only 16 hours after last night's public hearing."

Supervisor Jerome A. Ambro said the "* * * to cooperate by trying to meet them part way."

The three banned chemicals are DDT, dieldrin and aldrin. Ambro said chlordane can be effectively used by injection to combat subterranean termites and therefore would be less harmful than "wide-spectrum" pesticides which "kill many more things than the harmful pest they are aimed at."

At a public hearing on the entire code Monday night, commercial plant and garden interests retained an attorney and marshalled a team of experts to testify that pests, including bats, cannot be controlled without pesticides.

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[From Newsday, June 9, 1969]

BANNING DDT

The Huntington Town Board merits praise for alertness in voting to ban the use of DDT and other "hard" pesticides within the town, but the menace posed by these chemicals will never be controlled if this sort of legislation is enacted only at the town level.

The problem is one that should be attacked by the Congress and by state legislatures. In 1948, Sweden awarded the Nobel Prize to the Swiss chemist who developed DDT, but earlier this year Sweden became the first nation in the world to ban the use of the chemical. In the 21 years between the prize ceremony and the ban, the Swedes examined the growing body of evidence testifying to the danger of DDT and changed their mind about this "miracle" pesticide.

DDT and other "hard" pesticides are effective killers but they are also enduring and indiscriminate. They do not break down into harmless compounds. Instead, they linger in the soil for years, contaminating the vegetation and the wildlife that feeds on the vegetation, Sen. Gaylord Nelson (D.–Wis.) has been leading the fight in the Congress for a nationwide ban on DDT, but his bills have never gotten out of committee. In April, the Department of Health, Education and Welfare established an expert advisory committee for the study the health hazards posed by pesticides. This federal action came seven years after the late Rachel Carson first made the pesticide menace widely known in her book, "Silent Spring." The initial flurry of concern stirred by that book soon subsided, but evidence of the danger posed by DDT has continued to accumulate. These pesticides threaten the earth's ecological balance. The Huntington Town Board has recognized this danger. It is a sad reflection on the alertness of the Congress when a town board has to do its work.

## THE CONGLOMERATE MERGER MOVEMENT

Mr. HART. Mr. President, a fact of human nature—or certainly of a politician's nature, I suspect—is that praise of another man sometimes tends to be a bit self-serving.

There is more than a little of that, I admit, in my unanimous consent request today that the speech of Attorney General John N. Mitchell of June 6, 1969, be inserted following my remarks.

As Senators are aware, about 5 years ago, alarmed by the growth of economic concentration and its impact on the Nation, the Subcommittee on Antitrust and Monopoly began an in-depth study. It was at these hearings that the conglomerate merger movement surfaced and its profound effect on industrial concentration was explored.

The hearings never won any page-1 headlines, for while much of the information turned up was indeed startling it was not the type that could catch the imagination of the average man on the street.

Statistics were dull—as statistics seem usually to be to all but economists. The subject was fearsomely complex. The threat was veiled.

But as this study went on, it became increasingly clear to the few dozen persons—or at most the few hundred—that followed the proceedings that the threat to our Nation of this movement was great.

We became aware that the growth of the conglomerate and concentration was a matter which would effect not merely the economic structure of our Nation but could—and was—reaching down to touch communities and individuals.

Further, I became convinced that the means of halting the march of the conglomerate lay in existing law. Unfortunately, it was an opinion not generally held. Especially it seemed not to be embraced in the high echelons of the Department of Justice.

Things seem to be changing with the advent of Mr. Mitchell and Richard McLaren, Chief of the Antitrust Division of Justice. Cases brought in recent months indicated that present law was to be tested against the conglomerate.

The speech by Attorney General Mitchell makes it clear that the action thus far was a reliable hint of a deeply held philosophy in the Department.

The philosophy is so akin to my own that it is a bit embarrassing—as I said—to compliment the Attorney General. But nine volumes of subcommittee hearings do tend to give sufficient reason for both of us to believe we are right.

And I am delighted that the Attorney General plans on putting our words to the greater test—by bringing the cases under present law to court.

If all goes well, this will be the quickest way to disarm the conglomerate threat and stop the alarming movement toward overall industrial concentration. If we are proven to be wrong by the court, it will make altering present law a job that can be done more effectively.

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

THE CONGLOMERATE MERGER MOVEMENT

(Address by Hon. John N. Mitchell, Attorney General of the United States, delivered before the Georgia Bar Assocation)

INTRODUCTION

I would like to thank Mr. Jones and the members of the Georgia State Bar Association for your kind invitation to attend your annual meeting here in Savannah.

The topic to which I will address myself this morning is the present and future application of the federal antitrust laws; particularly this Administration's policy toward current corporate merger trends.

It is now almost 80 years since the passage of the Sherman Act. It was our federal government's first major legislative program designed to combat the undue concentration of industrial and financial power.

The Sherman antitrust act reflects a fundamental national commitment that the freedom and viability of an open marketplace is the most efficient and most reliable guarantor of economic prosperity.

Its simple prohibition of "any contract, combination or conspiracy in restraint of trade" remains our guide.

Under our federal antitrust policies in the last 80 years, our gross national product has increased to $800 billion. Our national income, in terms of current prices, has grown 12 times. Our economy is vigorous. Our businessmen are showing record profits. Our average family yearly income has increased from $3031 to over $7500 in the last two decades.

Thus, the evidence strongly supports our belief that the antitrust laws have served us well, perhaps more successfully than the 1890 Congress could have envisioned.

We have constructed a complex economic structure which successfully reflects adherence to the political and social principles of our free society.

We have not succumbed to the cartel theories of Europe. Neither have we found it necessary to impose government regulation on more than one-eighth of our economy.

But I believe that the future vitality of our free economy may be in danger because of the increasing threat of economic concentration by corporate mergers.

CONCENTRATION TRENDS

While the dimensions of the current merger movement have received widespread publicity, permit me to refresh your memory.

The number of corporate mergers has more than doubled in the last two years, reaching a total of over 4,000 in 1968. More importantly, these mergers have involved an increasing number of large firms.

Acquisitions of firms with total assets of over $10 million rose from 100 in 1966 to nearly 200 in 1968. The value of the assets of these acquired firms rose from $4 billion in 1966 to over $12 billion in 1968. Based on first quarter prediction for 1969, the value of acquired assets may reach $18 billion this year.

Many of the first being acquired are of substantial size. At the beginning of 1968, there were about 1300 firms with assets of over $25 million. Had it not been for acquisitions during the past decade, these firms would now number well over 1900.

From 1948 to 1966, only five firms with assets of over $250 million were acquired. In 1967 alone, six such firms disappeared via acquisitions; and in 1968, the number rose to 12.

The nation's largest firms are playing an increasingly prominent role as acquiring, as well as acquired, corporations. Thus, in 1968, 74 of the 192 acquisitions of companies with assets over $10 million were made by companies among the nation's 200 largest firms.

In 1948, the nation's 200 largest industrial corporations controlled 48 percent of the manufacturing assets. Today, these firms control 58 percent, while the top 500 firms control 75 percent of these assets.

The danger that this super-concentration poses to our economic, political and social structure cannot be over-estimated. Concentration of this magnitude is likely to eliminate existing and potential competition. It increases the possibility for reciprocity and other forms of unfair buyer-seller leverage. It creates nationwide marketing, managerial and financial structures whose enormous physical and psychological resources pose substantial barriers to smaller firms wishing to participate in a competitive market.

And, finally, super-concentration creates a "community of interest" which discourages competition among large firms and establishes a tone in the marketplace for more and more mergers.

This leaves us with the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people—the very evil that the Sherman Act, the Clayton Act, the Robinson-Patman Act, and the Celler-Kefauver Amendment were designed to combat.

OTHER DANGERS OF CONCENTRATION

You may ask why I, as Attorney General, offer a statement of the Administration's position on mergers here, in Savannah. One might suggest that this speech should be delivered to bankers and corporate managers in New York or Chicago or Los Angeles.

I am speaking here precisely because most of you represent economic interests—distant from the centers of financial and managerial power—which may be injured by the current merger trend.

This Administration believes that one of the great benefits of an open marketplace is the active participation and control by as many of our citizens as possible in their own economic well-being—not just a small segment of our population in certain cities.

An urban area should have a substantial influence over its local economy. Its businessmen should have an opportunity to be suppliers. Its lawyers should have the opportunity to act as counsel. Its unions should have the opportunity of negotiating in their own community, for their workers. And its consumers should have the opportunity to exercise local economic options in their choice of competing goods and services.

After all, the ultimate beneficiary of the antitrust laws is the average consumer. In smaller communities, where sources of supply tend to be limited, the consumer may soon find many of his purchasing alternatives diminished.

We do not want our middle-sized and smaller cities to be merely "branch store" communities; nor do we want our average consumers to be "second class" economic citizens.

THE HISTORY OF MERGERS

The history of the merger movement after World War II mainly involved horizontal mergers—mergers between direct competitors—and vertical mergers—those between firms which are in a direct line from raw materials to sales.

From 1948 to 1951, horizontal and vertical mergers amounted to 62 percent of all merger activity.

The Department of Justice increased its enforcement of Section 7 of the Clayton Act and the Celler-Kefauver Amendment. This amendment prohibits any acquisition whose "effect . . . may be substantially to lessen competition." Then they slowly declined: horizontal and vertical mergers represented 48 percent of all mergers from 1952 to 1959; 39 percent of all mergers from 1960 to 1963, 22 percent from 1964 to 1967 and only 9 percent in 1968.

Conversely, conglomerate mergers—including product extension mergers—sharply increased from 38.1 percent of all mergers from 1948 to 1951; to 91 percent of all mergers last year.

Furthermore, it is increasingly clear that the acquiring companies—in an effort to diversify—are often the leaders in one or more highly concentrated markets.

About one-third of all manufacturing is carried on in industries where four companies account for over 50 percent of production. In 14 percent of all manufacturing 4 firms account for more than 75 percent of production.

These facts require us to move aggressively to counteract this trend.

But, before I go into greater detail as to the dangers posed by the merger movement, let me point out what mergers do *not* do.

They do not necessarily increase efficiency and profits. Studies show that, in general, the relative profits of medium size businesses are as large as those of giant firms.

Corporate bigness does *not* necessarily stimulate the most imaginative scientific research. Recent studies show that the medium size firm tends to be more productive in its scientific research precisely because it is not in a dominant position.

It has also been argued that the large firm, because of its concentration of talent and other resources, is better able to market goods and services that the public wants. But this, too, is not proven by the facts.

For example, leading firms in two of our most highly concentrated industries—automobiles and razor blades—only offered the American consumer important new products in response to aggressive foreign competition.

Thus, our experience has been, that the American consumer is not always benefited by the very large corporation. Indeed the evidence indicates that bigness may frequently favor the status quo.

Of course, we know that, in some industries, the large corporation is a recognized necessity for effective competition due to the requirements of large capital investment and complex distribution mechanism.

THE SPECIFIC DANGERS OF CONGLOMERATE MERGERS

(1) One of the most easily understandable dangers posed by the conglomerate merger is reciprocity—when a diversified corporation favors with purchases firms which purchase from it.

We know reciprocity is widely practiced.

For example, a poll of 300 purchasing agents by Purchasing Magazine in 1961 revealed that reciprocity was a significant factor in the buyer-seller relations of 51 percent of the companies surveyed and of 78 percent of those companies with a sales volume of more than $50 million.

Reciprocal arrangements may take a number of forms. A diversified corporation may keep records of which firms purchase from it and in what amounts and then apportion its purchases among them.

In addition, there may be overt favoritism where a small corporation, hoping to receive favorable treatment from one of the conglomerate's subsidiaries, channels its purchases to the conglomerate corporation.

(2) A more complex but equally troublesome danger in the conglomerate merger movement is the elimination of potential competition.

It has always been assumed that in our free market a businessman should be encouraged to enter an industry where profits and other conditions make his competition attractive. This should be particularly encouraged in a highly concentrated industry because such industries average substantially higher profits than unconcentrated industries.

But super-concentration, coupled with conglomerate corporate structures and large financial capabilities, discourages the prudent businessman from entering such an industry.

This elimination of potential competition tends to maintain the inflated price structure in a concentrated industry.

For example, we have evidence that the only significant seller of natural gas in a regional market reduced its rates by about 25 percent when it became clear a new competitor was ready to enter that market.

The elimination of potential competition has other aspects. The large conglomerate, with its broad financial base, should have the capability to become a new and effective competitor in a spectrum of industries. And yet, instead of starting a new, or purchasing a small firm and converting it into a significant competitor, the tendency has been for the large conglomerate to purchase a leading corporation; and thus to add its weight to an already entrenched market situation.

(3) Large conglomerate mergers also pose substantial dangers to free competition by the expansion of nationwide marketing structures, capital resources and advertising budgets. Such a structure may offer a diversified firm a physical advantage over its competitors in terms of volume discounts on transportation and advertising.

For example, as the Supreme Court pointed out in the *Procter & Gamble* case, large advertisers receive substantal discounts from communications media. As a multi-product producer, the conglomerates may enjoy substantial advantages in both advertising and sales promotion. It may also purchase network programs on behalf of several products, enabling it to give each product network exposure at a fraction of the cost per product that a firm with only one product would incur.

Thus, the conglomerate corporation, if it acquires a dominant firm in another industry, must by necessity capitalize on its own success and imagination in detriment to the smaller, single line, firms in the industry.

(4) Another danger posed by the current merger trend is what is known as a "community of interest." But it is not a formal agreement but merely the recognition of common goals by large diversified corporations.

This situation derives as much from common sense as from economics. It posits that large diversified corporations may have little interest in competing with each other in concentrated markets. For, if the food subsidiary of corporation A agressively competes with the food subsidiary of corporaton B, then the electrical subsidiary of corporation B may start a price war with the electrical subsidiary of corporation A. Thus, it may be in both A's and B's interest to maintain the status quo and not to engage in the type of aggressive competition which we expect in a free marketplace.

The danger—the danger of a community of interest—becomes even more substantial when one realizes that the 200 largest manufacturing corporations are diversifying so quickly, that at the present rate, a significant number will soon be facing each other in several markets. And if, as we believe to be the case, they may conrol even more of the nation's manufacturing resources than the 58 percent last reported, we may soon be in a position where demands for more government regulation could be called for.

CONCLUSION

The matters I have outlined to you this morning form the basis for our serious concern over the present large corporation merger movement. Certainly, some of the issues are open to argument. If we all agreed on our premises and our facts there would be no disputes.

But, taken together, I think that the Celler-Kefauver amendment and its legislative history, the case law and current economic facts clearly support the Department of Justice's enforcement program.

As you know, we do not have to make an iron clad factual case. The Supreme Court has told us that: "The core question is whether a merger may substantially lessen competition, and (this) necessarily requires a prediction of the merger's impact on competition, present and future . . . (Section 7 of the Clayton Act) can deal only with probabilities, not with certainties . . . and there is certainly no requirement that the anticompetitive power manifest itself in anticompetitive action before Section 7 can be called into play. If the enforcement of Section 7 turned on the existence of actual anticompetitive practices, the congressional policy of thwarting such practices in their incipiency would be frustrated."

Therefore, let me give you some of the probabilities:

—The Department of Justice may very well oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries.

—The Department of Justice will probably oppose any merger by one of the top 200 manufacturing firms of any leading producer in any concentrated industry.

—And, of course, the Department will continue to challenge mergers which may substantially lessen potential competition or develop a substantial potential for reciprocity.

Some may regard these three probabilities as something of an expansion of the published antimerger Guidelines of the Department.

But we believe that, under today's circumstances, these probabilities are clearly authorized by present antitrust law.

The results of this policy, I hope, will be to achieve the type of voluntary compliance we now have in most of the antitrust field. We only oppose about 20 out of every thousand mergers because the vast majority are not anti-competitive. Most lawyers understand our principles and persuade their clients to abide by them.

The benefits of this policy should be readily apparent. By halting the trend toward concentration, we remove what we believe is an inadvisable alternative of outright government regulation as is now applied to public utilities, communications and other highly concentrated industries. We will stimulate our most reliable economic regulator-free competition.

We will insure that consumers and businessmen everywhere will continue to participate fully in our prosperity. We will, despite expected criticism, be carrying out the mandate of this Administration to reflect the hopes and aspirations of all Americans for a free society.

## EDUCATIONAL OPPORTUNITY GRANT FUNDS RESTORED

Mr. NELSON. Mr. President, I commend the decision of the Appropriations Committee to restore the $16 million to the educational opportunity grant program, which had been cut from the appropriation during last year's House-Senate conference.

The educational opportunity grant program has been a landmark among the countless educational programs approved by the Congress. It has recognized the simple truth that to be poor is to have no money and that direct grants to students from poverty circumstances are indeed necessary if they are going to be able to attend postsecondary institutions. Whatever the terms, loans and work by themselves do not provide sufficient support to students from families often excessively burdened by credit—who know the value of work but can hardly meet the rising costs of higher education solely through their own efforts.

With the passage of the educational opportunity grant program in the 89th Congress, there was a promise to help finance the higher education of countless students who previously had been denied that opportunity.

Colleges and universities took the legislative commitment seriously. They found talent where it was previously felt not to exist. They provided encouragement to students where it was lacking and made commitments to young people that if they achieved well in secondary school, there would be the possibility of funds to finance postsecondary training.

Without the $16 million, the hopes of thousands of students to enter college this next fall would be frustrated.

With considerable logic, the youth of America question the will of the older generations to meet social ills and educational and manpower needs. Let it not be said that this body has not lived up to its responsibility.

Wisconsin had some 6,325 students who were considered eligible for new educational opportunity grants next fall. Due to the fund reduction, only 2,400 could be served, as compared with 4,700 new students who entered the program last fall. However, with this $16 million restoration, nearly 1,000 additional grants will be available to Wisconsin students.

Much of the information concerning the impact of the $16 million reduction was not available when the House considered the supplemental appropriations bill. Knowing the full implication of that reduction, I hope the House will agree that the Congress has a commitment to restore these funds and will approve the $16 million figure during the conference meeting on this bill.

I ask unanimous consent that letters on the educational opportunity grant program that I have recently received from Wisconsin State University, Eau Claire; Wisconsin State University-Stevens Point; Stout State University, in Menomonie, and Wisconsin State University, Superior, be printed in the RECORD.

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

WISCONSIN STATE UNIVERSITY,
*Eau Claire, Wis., June 10, 1969.*

HON. GAYLORD NELSON,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR NELSON: This appeal is on behalf of financially deprived students who without an Economic Opportunity Grant will not realize the chance to pursue higher education. Also, Wisconsin State University—Eau Claire is deeply concerned with the problems of the financially handicapped who are deprived of the very opportunity that might free them from their dependent existence and enable them to realize human resource potential through higher education.

Today, indigent families must have supplementary sources to help finance their children's higher education. The cost of higher education for students at this University (as is similar to all 65,000 students attending Wisconsin State Universities) has increased

approximately 28% for resident students and 36% for non-resident students over the past two years. Special efforts have been made to recruit and retain students from extremely low income families to attend this University. One thousand two hundred ten students, or about 19% of the full-time undergraduate enrolled students were need recipients (need recipients were identified as eligible by formula from the Office of Education—Department of HEW), of Economic Opportunity Grants. In addition to this, our research indicates, based upon family income of EOG recipients over the past four years as reported on College Scholarship Financial Need Analysis forms, a greater polarization of family incomes seems to be developing. This polarization can perhaps be attributed to little or approximately no income gains on the part of the indigent, while middle income families ($10,000 to $15,000 per annum), have realized income gains with national inflation and productivity. Thus, the economic gap seems to be growing.

Some might consider it a breach of faith by the federal government in not continuing the investment in potential human development when one considers the following:

1. The Joint Appropriations Committee has reduced 78% the initial year EOG awards that would have helped the "poor" for the coming 1969–70 academic year.

2. The "poor people" usually are seldom good credit risks for Guaranteed Loans; thus, the program being administered at the discretion of bankers becomes meaningless to those who most need financial help. With current interest rates, it is only academic whether the Guaranteed Loan Program will be functioning this fall term.

3. Some needy students at this University will be deprived of a National Defense Student Loan as the tentative allocations for the coming academic year will be about $6,600 less than last year, or about a 5% reduction.

4. Undergraduate full-time enrollment at this University has increased over the past two year period from 6,296 students to 7,900, or about a 21% student enrollment increase.

It seems incongruous that while educational costs are constantly rising, student enrollment is mushrooming, and culturally deprived and low income students are being identified and encouraged to attend universities; that at the same time, when student aid is needed most, Congress would delete and curtail. Would reason not dictate that restoration and expansion be a commitment for needy students?

It might be difficult to statistically summarize the "typical" student who receives an Economic Opportunity Grant. However, the following facts resulted from a study of the 1968–69 EOG initial year freshman student recipients. The total number of student recipients was 391.

| | |
|---|---|
| Median effective family income (using CSS formula) | $2,890 |
| Median number of dependent children | 5 |
| Median grade point average (1 semester grade report) (4.0=A) | 2.21 |
| Number from farm families (30 percent) | 118 |
| Number from business (11 percent) | 42 |
| Nonfarm or business (59 percent) | 231 |
| Freshman receiving these awards (98 percent) | 383 |

It may be somewhat presumptuous to draw many conclusions in identifying the typical student who received an Economic Opportunity Grant; however, the typical initial year EOG recipient at this University as indicated from the study would in all probability be a freshman from a large family, having a very low disposable income, and is successful in his academic standing. Also, most of these students would not have enrolled nor would they be continuing students if this grant program was not available.

This University has not experienced any confrontation from student activists or other left-wing groups. Likewise, EOG recipients have presented no disciplinary problems—their goal is to pursue higher education and become meaningful contributing members of our society.

For a meaningful grant program, this University needs a "supplementary" EOG allocation of $100,000 if we are to offer an opportunity of higher education to students from impoverished families.

Your kind attention to this appeal will be deeply appreciated by students who were given an opportunity of a higher education through the EOG program.

Sincerely,

ROBERT D. SATHER,
*Associate Director of Student Financial Aids.*

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JUNE 9, 1969.

Senator GAYLORD NELSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: As my staff and I assess the need from reading the many applications for financial aid in 1969–70, the reductions in federal funding approach tragic proportions. It would appear to be impossible to fund the assessed need of our qualified applicants. I have deemed this tragic because these are eager, alert, ambitious Wisconsin students. Many of them represent the rural poor of our state, particularly the northern half of Wisconsin.

In my judgment the legislative intent implicit in the language of the Educational Opportunity Grant legislation includes all children from economically deprived homes. Since many of our applicants are from rural areas they display the qualities and characteristics of the relatively isolated rural poor. They do not resemble the descriptive literature which addresses itself to the ghetto areas. The economy of a small central or northern Wisconsin farm permits the appearance of reasonable economic comfort, but is wholly inadequate for a fixed cost, immediate payment operation such as higher education. Many of these families are accustomed to a low cash return, long term mortgage kind of operation. The sudden demand for annual cash outlays of $1,000 to $2,000 for the education of a son or daughter simply is impossible to meet. I would consider such families as coming within the scope of the E.O.G. legislation. Coupled with these demands are those of the Wisconsin Indian population, a few negro applicants from the Milwaukee Core area, the Mexican Americans who came into the area following the crop, and the surprisingly large number of applicants from homes without a father. The combined impact of these demands is large. The potential return from making education available to these students promises to be even larger.

At present we have already over committed the funds available for 1969–70. There are many applications pending which became complete since our first round of decisions. Unless we are able to increase the funding levels (especially in the initial year allocations) of the E.O.G. program, I will be unable to assist these needy students. Frankly, I find it difficult to tell them in convincing tones that their need is less important than weather satellites, space probes or Viet Nam. Neither do I find it logical to say that they would have been supported if they had applied one year earlier. The affluence which surrounds them belies our plea of inadequate funds. Our system of priorities may be wrong, but surely funding is available.

In 1968-69, I was able to bring 391 new recipients into our program at WSU-Stevens Point. At the present level of funding I must reduce the 1969-70 quota to approximately 200 new recipients instead of expanding to nearly 425. The cumulative effect of this reduction is such that those denied may not return as applicants the following year. In Wisconsin we have done a reasonably effective job of convincing counselors and students that any good student may pursue further education. We can only deliver on that expectation if the state and federal funding levels grow with the enrollment increases. Recent research which I have undertaken clearly demonstrates that some capable youth continue to be lost due to inadequate funding.

This past academic year I was able to assign a staff member to interviewing all initial year E.O.G. recipients. His comments convince me that we are selecting deserving and appreciative recipients. They are not riotous nor ridiculous. Their goal is self-improvement and upward mobility. Such goals are wholly consistent with our national traditions. I wholly support and commend any efforts which you pursue that lead to expanded funding for the E.O.G. Program and related student assistance programs such as the National Defense Student loans.

Sincerely,

ROBERT G. ROSSMILLER,
*Director of Student Financial Aids.*

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STOUT STATE UNIVERSITY,
*Menomonie, Wis., June 9, 1969.*

HON. GAYLORD NELSON,
*U.S. Senate Building,*
*Washington, D.C.*

Dear Senator: It has been brought to my attention that you are co-sponsoring a bill that would increase the level of funding for the Educational Opportunity Grant Program.

The students at Stout State University have certainly benefited from this program. Last year we had 324 students receiving assistance under this program. Of this 324, 283 came from families of a gross income of $6,000 or less. Let me assure you that these are very diligent students, most of whom are working part-time to help finance their education. They have both accepted and needed federal assistance to receive a college education. I sincerely believe they have accepted their responsibility as students as well.

For the next academic year, Stout State University received 53% of the funds requested under the EOG program. Your efforts in helping raise this level of funding will immensely help our student body.

If I may provide any information that would aid your endeavor, I will be most happy to do so.

Sincerely,

Dr. JOSEPH M. LARKIN,
*Director of Financial Aids.*

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WISCONSIN STATE UNIVERSITY,
*Superior, Wis., June 9, 1969.*

HON. GAYLORD NELSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: As you are undoubtedly well aware, the Educational Opportunity Grant Program suffered a drastic cut in its funds. Because of this, and your interest in education, I felt that you would be interested in some facts that affect your constituents and their children.

Wisconsin State University-Superior, although the smallest of the state universities, draws many of its students from economically deprived areas of northern Wisconsin and Michigan as well as the northeastern part of Minnesota. Because of this, a large percentage of our students are able to establish large amounts of need. For the 1968–69 academic year, there were 109 applicants who applied for financial aid, but because of a shortage of EOG funds, we were not able to help them. Allowing for our normal attrition, we will still have 93 of these people still eligible for an I.Y. EOG. If one takes these students, plus the regular renewal awards and the projected freshmen awards for the 1969–70 academic

year, we could logically expect in the neighborhood of 325 qualified applicants for EOG.

The new policy of the DHEW for awarding EOG is to give as many maximum awards as possible. This cuts down on the number of students one may logically help with limited dollars.

Our request for academic 1969–70 was based on the aforementioned 325 students and amounted to $313,590. The regional review panel recommended $119,073 for Initial Year grants and $79,564 for renewal. Our final award from Washington was $143,266. Of this amount, $63,768 was designated as I.Y. EOG and $79,498 to be awarded to renewal grants. Using 325 students, these figures indicate that the average EOG award should be $440. IY grants to entering freshmen have averaged $650. One can readily see that we will run out of money for I.Y. EOG's to upperclass and renewal money before all applicants' needs are met if we make maximum awards as proposed by the DHEW. We expect a minimum shortage of $68,000 or 104 students whose need will not be met with maximum EOG awards.

Your consideration and requests to the proper agencies to increase the amount of award dollars to your constituents will be gratefully appreciated by these deserving students. I state deserving because we at Wisconsin State University-Superior have an exceptional group of students who believe in dialogue and cooperation with the university staff. Differences that occurred have always been resolved without recourse to disruption of the academic process or violence.

Sincerely,

ROBERT F. COMSTOCK,
*Director of Financial Aid.*

## THE 85TH BIRTHDAY ANNIVERSARY OF DR. PETR ZENKLE

Mr. CURTIS. Mr. President, on June 13 one of the world's great fighters for freedom celebrated his 85th birthday. I regret that the Senate was not in session on that date so that his anniversary could have been properly noted and commemorated.

I refer to the venerable Dr. Petr Zenkle, who now lives in the United States but who was the last vice premier of free Czechoslovakia. Dr. Zenkle was for a number of years lord mayor of Prague, the capital city of his native land, and was also chairman of the political party which elected Eduard Benes as President of the Czechs.

His fight for freedom was simple and yet cast in the classic mold. To him, as to many of his fellow Czechs, maintaining freedom meant only one thing—to fight those who would take it away with every recourse, both physical and moral, available.

He was such a man. So noted was his fierce dedication to freedom that the invading Nazis threw him into the dreaded and notorious concentration camp at Dachau where he spent the years of World War II. After that conflagration he returned to his homeland where once again he moved to prominence in the forefront of those reestablishing Czechoslovakia as a free and independent state.

The freedom they so deeply desired and for which so many Czechs had so valiantly fought was short-lived, however. The Soviet might soon made its presence felt and the iron hand of tyranny clamped down on his country again. This time Dr. Zenkle fled to the United States to escape the same fate that befell his good friend and comrade, Jan Mazaryk, the foreign minister.

Mr. President, his birthday is worth noting not only because in so doing we are paying tribute to a great man, but also because it reminds all of us how fleeting freedom is and how quickly it can be lost.

All Americans were horrified—but not surprised—at the events of last summer in Czechoslovakia. We felt that sense of tragedy that one finds in a Greek play. We watched the struggles of these noble people, the students, the workers, the intellectuals, the writers, and the housewives, to assert even a tiny degree of freedom, and then to widen the chinks that appeared in the solid wall upon which the monolith of Soviet communism is erected.

We watched, we hoped, we prayed for their success. But I think that deep down in all of us there was that sense of foreboding, that keen and deep realization that their efforts were doomed, that their will—no matter how fierce—was no match for the tanks and guns and massed soldiers of the oppressor. I think that with most of us, looking back now, it was a feeling of watchful waiting, wondering not whether the blow would fall, but rather when the blow would fall—and how complete the disaster would be.

Even today, from reading the American press, I do not think we have any comprehension of how total the crushing blow was in Czechoslovakia.

There have been few stories in American papers about the crude brutality of the invading Hungarian and Bulgarian Armies who marched in support of the Soviets.

There have been few stories such as those that appeared in the London newspapers or in Paris, of how village leaders who might be tainted with a desire for freedom were simply called out, lined up, and shot by the invaders.

There have been stories in most European newspapers, however, detailing the completeness, and the ruthlessness of these invaders.

The life of Dr. Zenkle has been and is a lesson to all of us who would think in terms of freedom and tyranny living side by side. It can be done, but only if those who enjoy freedom are willing and able to fight to preserve it. If at any time or for any length of time we become so confident of our own freedom that we fail in our vigilance, then we risk losing that freedom.

The sands of history are strewn with the wreckage of nations where the people allowed themselves to be lulled into complacency, in the belief that freedom is an inherent right that cannot be taken away.

## ADDRESS BY SENATOR KENNEDY AT ROUGH ROCK DEMONSTRATION SCHOOL

Mr. MONDALE. Mr. President, on June 2, 1969, the distinguished senior Senator from Massachusetts spoke to the first graduating class of the Rough Rock Demonstration School on the Navajo Reservation.

He told the 28 graduates that their school "is demonstrating that the American Indian wants to control his own destiny." Rough Rock, he said, "stands for pride and self-determination, pride in oneself, pride in one's heritage, pride in one's differences."

In these few words, my colleague has pointed to the true significance of this innovation in Indian education. For Rough Rock's distinguishing feature is that it is run entirely by an all-Navajo School Board, elected from the local community. It is an experiment in community control. I visited Rough Rock in March of this year; I carried away the conviction that in its 2½ years of existence, the school has demonstrated a remarkable ability to deal with some of the worst aspects of boarding school life.

It is one of the few examples of an Indian school which is totally controlled by Indian parents, which encourages the "Navajoness" of its students, and which is run by administrators who are not callous or indifferent to the special problems of the students.

Unlike most other Indian schools, Rough Rock has a program of bilingual education. This program has undoubtedly been aided by the school's ability to successfully recruit Navajo teachers—almost one-half of its faculty consists of Navajos; at the BIA schools on the reservation, there are usually no more than one or two Navajo teachers. The fact that the young Navajo child is initially instructed in his native language eases some of the psychological stresses inherent in these schools.

In order to alleviate the shortage of dormitory personnel and the loneliness of dormitory life, the school instituted a dorm-parent program. Parents are employed in the dorms in 6-week stints. This improves the ratio of aides and emphasizes the idea that the schools should provide substitute parents.

Parents are also urged to visit their children frequently and to stay in the dorms; rooms are always available for such visits.

In addition, Rough Rock has also taken many steps to emphasize the importance of Navajo culture and history, both to the children and to the community.

The school has a center devoted to the production of Navajo stories for use in the school system which has already produced several books of stories. It also has an active arts and crafts program, for both the children and adults living in the community. Navajo women serve in the school as teachers aides in the early grades; these women tell stories in Navajo to the children and teach them crafts such as weaving.

The history of the Navajo people is an important part of the school's curriculum. The history of the American Indian is rarely taught in other schools with Indian children.

It is difficult to overestimate the importance of what has occurred at Rough Rock. Granted the power to completely control the education of their children, the Navajos in that community decided that they wanted their children to grow up as Navajos, as well as Americans.

Mr. President, I ask unanimous con-

sent that Senator KENNEDY's excellent speech to Rough Rock's first graduates be printed in the RECORD, together with a story from the school's paper concerning his visit, and a brochure describing the school.

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

"Ya—ta—hay" (greetings): Today is a very important occasion for all of us.

It is an important day for myself because it has provided me with an opportunity to visit the most important experiment in education for American Indians; and to fulfill a commitment made by my brother last spring. I am especially pleased that Kathleen Kennedy could join us today. She has often reminded me of her rewarding experiences at Rough Rock last summer and her respect and affection for the Navajo people.

It is an important day for the Navajo tribe because it is the 101st anniversary of the signing of the treaty of Bosque Redondo, and the return of the Navajo people from captivity to their homeland.

It is an important day for Rough Rock because its first graduating class is assembled to receive their diplomas.

It is an important day for the graduating class because you represent the accomplishment as well as the promise of the Rough Rock School.

What is the significance of the Rough Rock School?

Where does it stand in the perspective of the history of your people, and what does it symbolize?

In 1848 a treaty was signed by the Mexican and United States Governments which placed all Navajo land and people under the jurisdiction of the United States.

As you know the Navajo people had no part in those proceedings.

Shortly thereafter a fort—appropriately named Fort Defiance—was built in the heart of Navajoland, and the effort began to first contain, then subjugate and finally relocate and imprison the Navajo Indian Nation.

Soldiers moved across the country-side, burning fields of corn, destroying homes and sheep, leaving the people no choice but to flee, surrender or die. The massive slaughter in Canyon Del Muerto is one of many examples of the ruthless military tactics used. In one case alone, over 90 women and children were killed as the soldiers ricocheted bullets off the cave roof down onto the people.

Finally starved into submission, the surviving Navajos surrendered in the winter and spring of 1864.

Nearly 7,000 Navajos made the 300-mile march from their homeland to Fort Sumner, New Mexico. For four long years "the people" suffered greatly in concentration camp captivity. Nearly 2,000 died of pneumonia and dysentery. Those who ran away were captured and enslaved by the Mexicans.

Perhaps the greatest hurt of all was the gnawing homesickness for their homeland, the land of the "four mountains."

Finally, the voice of "the people" was heard in Washington. A new treaty was signed and the long walk back to their homeland began.

The journey back is indelibly recorded in Navajo history.

What horses and wagons were available carried the young, the aged and the infirm.

The rest traveled on foot.

The hardships were severe, but they were going home and a new spirit of hope was born.

The land had been returned to "the people" and "the people" to their land.

One hundred years later Rough Rock was born and like the treaty of 1868 symbolizes the hopes and aspirations of the Navajo people in their fight for self-determination and self-fulfillment.

Similar to the "long march" with Rough Rock a new spirit of hope and excitement was born.

It marks the opening of a new era in the return of education to "the people" from which it had been taken.

Like the treaty of Bosque Redondo, it is a landmark in the history of the Navajo tribe.

After years of deportation and degrading captivity in Government boarding schools, the Navajos have taken the first important step toward regaining control over their educational destiny. And in so doing Rough Rock stands as a symbol for the improvement and liberation of Indian education throughout the Nation.

There is a very important truth fundamental to an adequate understanding of Rough Rock.

It is an old truth not a new one.

Let me illustrate it with a story.

It was almost 200 years ago that the leaders of Virginia, having signed a treaty with six Indian nations, offered to educate six of their sons.

The chiefs, although responding with thanks, rejected the offer, citing a previous experiment with white man's education.

Their children had come back from the white man's schools said the chiefs:

". . . bad runners, ignorant of every means of living in the woods, unable to bear the cold or hunger; they knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriers, or counselors; they were totally good for nothing."

Perhaps, the Indians said, the governors would send a dozen white children to learn at the hands of the Indians.

"We will take great care of their education," promised the chiefs, "instruct them in all we know, and make men of them."

We can no longer ignore the lesson of this exchange.

We must develop schools and educational programs like Rough Rock that no longer presume that cultural difference means cultural inferiority.

Rough Rock stands for pride and self-determination, pride in one self, price in one's heritage, pride in one's differences.

Let me summarize what I feel Rough Rock is telling this Nation, not just in words, but more importantly, in deeds.

It is indeed a demonstration school—it is demonstrating that;

—The American Indian wants to control his own destiny;

—The American Indian respects his own heritage and wishes to shape his own future out of that unique heritage;

—The American Indian has made and will continue to make very important contributions to the development of our national culture, character, and conscience.

—Perhaps most important, as my brother Robert stated in his speech at Window Rock last spring—"The American Indian is reaching for his own version of American life and this definitely does not mean a repudiation of his past or a desire for total assimilation.

"The great and difficult challenge of Indian education is to help each Indian student find his own version of American life so that he can meet the challenges and complexities of life with versatility and grace."

This has been the goal of Rough Rock and will continue to be, for it is a difficult and never-finished task.

And the task belongs not only to the Rough Rock community but also to the graduating class today. You must be the leaders for developing the new Rough Rocks—you must meet the larger challenge of developing a Navajo education program across the reservation, for you are the soul of Rough Rock in the flesh.

Perhaps an example taken from one of your beautiful Navajo ceremonies could best explain what I mean.

This excerpt is part of the "Song from the Mountain Chant":

"At the foot of Black Mountain, there amid the encircling mountains, the holy man laid down his child. Atop the mountain there were two gods, who spoke aloud as they watched. 'Who learns our songs shall be our child.'"

You the graduates, are the children of 'Black Mountain'.

You have learned the songs of the gods—now you must teach us to listen and to sing.

I wish you all well in this most important endeavor.

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[From the Chinle (Ariz.) Rough Rock News, June 6, 1969]

TED KENNEDY VISITS ROUGH ROCK

Sen. Edward M. Kennedy, D-Mass, landed at Rough Rock's dirt airstrip Sunday, went on a tour of Navajo homes on Black Mesa, talked to school board members and addressed the Demonstration School's graduating class Monday morning.

"Rough Rock is demonstrating that the American Indian wants to control his own destiny," the senator told the 28 graduates, the first to leave RRDS. "You must be the leaders for developing the new Rough Rocks. You must meet the larger challenge of developing a Navajo education program across the reservation."

Kennedy arrived at Rough Rock at 6:30 p.m. Sunday and left immediately in a three-vehicle caravan for the top of 8,300-foot Black Mesa, where he visited the homes of John Honnie, Frank X. Begay and Ned Todechine and stopped and talked to a sheepherder on the way.

"Where do your children go to school?" the senator would ask. "How often do you see them?"

RRDS Director Dillon Platero interpreted for Kennedy, who is chairman of the Senate subcommittee on Indian education.

At the Honnie home, Kennedy talked for about 15 minutes to Lorene Honnie, a graduate of Chilocco Indian School and a student at Navaho Community College.

"Do the people think the Rough Rock school does what it should?" he asked.

"I think people are happy with it," she answered.

In a Sunday night meeting that lasted from 10 to 11:45 p.m., Kennedy talked with school board members and was given four recommendations from them:

The Senate subcommittee, which is to be disbanded June 30, should continue its work for an indefinite period.

The subcommittee should recommend that more schools like Rough Rock be established.

The subcommittee should recommend a better method of funding for such schools.

A high school should be established at Rough Rock that would continue bilingual bicultural education programs started in elementary grades.

Accompanying the senator was 17-year-old Kathleen Kennedy, daughter of the late Sen. Robert Kennedy. She worked for six weeks as a volunteer last summer in Rough Rock's summer program.

The caravan that made the trip up the winding, 10-mile trail to the homes on Black Mesa included one truck carrying a television crew from CBS News.

Kennedy said in his talk to the graduates that the trip gave him "an opportunity to visit the most important experiment in education for American Indians, and to fulfill a commitment made by my brother last spring."

"We must develop schools and educational programs like Rough Rock that no longer presume that cultural difference means cultural inferiority," he said.

"As my brother Robert stated in his speech at Window Rock last spring, 'The American Indian is reaching for his version of Ameri-

can life and this definitely does not mean a repudiation of his past or a desire for total assimilation.'"

About 500 people packed the gym at the Demonstration School where graduation ceremonies were held. Platero translated Kennedy's remarks into Navajo.

The Senator left Rough Rock Monday for a mental health meeting in Window Rock, where he would also speak.

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ROUGH ROCK DEMONSTRATION SCHOOL

Rough Rock Demonstration School, located in the heart of the Navajo Reservation, strives to achieve quality education by teaching both traditional Navajo customs and modern skills in a school controlled by the people of Rough Rock. At the school's birth in 1966, the members of the all-Navajo school board elected by the people decided that their school would offer the best education for both Navajo and Anglo life—a both-and choice rather than an either-or choice. The board members want the children to be proud of who they are.

With its basic principles of local control and bilingual, bicultural education, Rough Rock Demonstration School is serving as a model for other schools. In the Navajo community of Canoncito, N.M., the people are planning for a school similar to Rough Rock while some schools in California, South Dakota, Minnesota and Hawaii have already started using various ideas first put into practice at Rough Rock.

In trying to develop the best kind of education for Navajo children, the school offers subjects found in any good school and subjects especially for Navajos: English reading and writing, oral English, Navajo reading and writing, oral Navajo, science, mathematics, social studies, health, Navajo culture and history, home economics, industrial arts, Navajo arts and crafts, music remedial reading and physical education.

The teaching of Navajo subjects doesn't diminish the stress the school places on courses that provide children with vital skills for modern living.

Local control and parental involvement are achieved in many ways at Rough Rock—the parents working in 10 classrooms, the parent advisory board for the four primary groups, the school board, the nine parents who live and work in dormitories for eight-week periods, home visits made by teachers, the monthly school-community meeting, the local people who take arts and crafts training. Parents who share classroom experience with their children are more inclined to support education at home.

Although the school believes that children benefit more by living at home and attending school on a day basis, 274 of the 408 preschool through eighth-grade students must live in dormitories because of distance and poor roads. As a start toward a change to day schools, however, Rough Rock runs four buses (vans) daily, mainly to pick up Headstart and kindergarten students. A few older children ride the buses and some 20 others either walk in or ride with relatives. Another 44 attend from the employes' compound.

Because the school must operate dormitories, it attempts to make them as homelike as possible. Four mothers live in the girls dorm for eight-week periods as substitute parents while four fathers and one mother do the same in the boys dorm. Not only do children benefit, but the dorm parents receive an income boost ($40 a week) and their ties to the school are strengthened through learning more about it. Navajo stories told in dorms provide entertainment and education in Navajo culture. Recreation includes team sports, horsemanship, Indian dancing and seven other recreation clubs.

Being a community school, Rough Rock tries to help community people overcome their common problems through both short-range programs—hay and coal at-cost sales—and farsighted ones, such as economic development, basic education and crafts training. An average of 30 uneducated adults attend basic education classes each week while another 10 persons pursue high school diplomas through the General Educational Development (GED) program.

Because a toy shop and poultry farm were only partly successful, the emphasis in economic development has shifted from business development to small-scale cottage industry based on the school's arts and crafts program, which provides intense training for 36 people a year. By buying local crafts for resale, the school encourages training graduates to produce crafts at home.

Spearheading a host of other programs is the Rough Rock Development Project, which helps community people in areas they specify. This includes range and livestock management and agricultural experimention as well as helping the local chapter and community action committee gain operating income, stability and effectiveness. The project also assists the community in taking advantage of programs offered by the Navajo Tribe, the Bureau of Indian Affairs and other agencies.

Because a major goal of the school is to teach children Navajo skills, the school's Navajo Curriculum Center works to bring into print some of the rich cultural materials of the Navajo people. Five books have been published while supplementary materials and five other books are being prepared. Medicine men, community leaders and famous Navajo storytellers supply the basic information while a Navajo speaker, an English-speaking writer, two Navajo illustrators, an audio-visual specialist and an experienced editor and publisher perform technical work to prepare the publications. At the same time teachers advise and assist in the development of the bilingual, bicultural curriculum that they use.

We believe the flexible, experimental education at Rough Rock Demonstration School has far-reaching implications, not only for present students but for the future of the Navajo People and others who should have the right to determine their own destinies. As the school continues to develop new ideas and extend proven programs, learning from its successes and failures and those of others in Indian education, it looks toward a future in which Navajos can be proud of their heritage while successfully coping with the surrounding world.

Rough Rock Demonstration School's work is to make that future a secure reality.

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## BOSTON GLOBE AND WALL STREET JOURNAL EDITORIALS ON MIRV

Mr. BROOKE. Mr. President, I invite the attention of the Senate to two exceptionally perceptive and informed editorials published this week in the Boston Globe and the Wall Street Journal.

In a lead editorial this morning, and in an accompanying article by Robert L. Bartley, readers of the Wall Street Journal were informed unequivocally that "The great missile debate of 1969 has been a debate about the wrong missile." As the writer then goes on to point out:

The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability.

This, Mr. President, is what the debate in the Senate yesterday and the day before was all about. If we cannot stop MIRV then no method of arms inspection, and therefore of enforcement, will work. Both sides will live in constant and increasing fear of what weapons the other side might be deploying. We will enter not only a far more accelerated and costly stage of nuclear weapons development, but an infinitely more unstable one as well.

As the editorial in the Journal expressed so clearly:

Because of its huge destabilizing potential, MIRV is the truly urgent issue. . . . (W)e think the Senators trying to shift the debate away from ABM and toward MIRV have a strong case.

Likewise the Boston Globe, in its lead editorial on Monday of this week, expressed the concern of a growing number of Americans when it noted that "(E)ven if funds for Mr. Nixon's limited deployment of the ABM system are delayed as they should be, this would have no meaning if the MIRV tests are ended successfully. When that happens, there will be a whole new set of rules."

Mr. President, I ask unanimous consent that these two excellent editorials and the article from the Wall Street Journal be printed in the RECORD.

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

[From the Boston Globe]

THE HYDRA-HEADED MONSTER

This will be a crucial week in Washington for the security of both the nation and the world. It is crucial because it involves the whole future of the nuclear arms race, and because action in the U.S. Senate, sparked by Massachusetts' Sen. Edward W. Brooke, can have great impact on the outcome of talks on arms reductions between the United States and the Soviet Union.

Late last week, after repeated prodding both from Moscow and in this country, Secretary of State William P. Rogers and Soviet Ambassador Anatoly Dobrynin reached agreement to schedule those talks for the end of July. This was a laudable, if much-postponed, first step, but it would have been far more praiseworthy had it been taken last year.

For as a result of the long delay, we are perilously close to the point at which any negotiations held on controlling nuclear arms will be as meaningless and unproductive as a funeral ceremony performed by wraiths for the soul of a dead world.

And the reason we are so close to this perilous point is that for the past several months, both the United States and the Soviet Union have been testing multiple reentry vehicles which, after they are deployed, could end any possibility of controlling them.

Into a "splash net" of Ascension Island in the South Atlantic we have been firing MIRV's (multiple independently targeted reentry vehicles), each of which can fire anywhere from three to a dozen warheads, each of these in turn capable of wiping out a city.

Into a similar "splash net" off the Kamchatka Peninsula in the Pacific the Soviet Union has been testing a less sophisticated but almost as deadly (how dead is dead?) form of multiply warhead known as MRV, which might be adapted for the Soviet Union's large SS–9 inter-continental missiles.

There may be no more than a month left before the tests are completed. And unless they are halted by both sides before their completion, it will be too late to stop these terrible weapons of destruction. It will be too late because, unlike all present nuclear weapons, an international agreement to control them, even if it could be reached, would be impossible to enforce.

It would be impossible to enforce because only thoroughly-going on-site inspection by the other country all over a nation's area and indeed the oceans could determine whether the agreement was being carried out. On-site inspection has been the stumbling block in the past for getting Russian agreement to controls.

As of this precious moment, it is no longer needed. Today's electronic methods of surveillance, with radar and satellite photographs, can accurately pinpoint missile sites, thus ensuring unilateral inspection. What they cannot show is how many warheads with which a given missile is equipped. Nor would they be of much use for missile sites on the bed of the oceans.

For the past year, the question of the antiballistic missile system (ABM) has been building up as the biggest issue for this nation since the Tonkin Gulf Resolution, which gave President Johnson the blank check he needed to escalate the war in Vietnam.

It is important that President Nixon's proposed Safeguard ABM system be defeated. But the MIRV's are many times more critically dangerous, and the fateful decision on them may be reached before even the ABM issue is settled, and without the people even knowing about it.

All these matters will be discussed at length beginning today, behind closed doors and properly so, by the National Security Council in Washington.

Meanwhile, a proposed resolution put forward by Sen. Brooke (R-Mass.) and a similar one by Sen. Clifford P. Case (R-N.J.), are gathering strength in the U.S. Senate. Well they should. Sen. Brooke's resolution calls for an immediate moratorium by both the United States and the Soviet Union on further flights tests of the MIRV. This goes to the heart of the matter, and must be passed as quickly as possible.

For even if funds for Mr. Nixon's limited deployment of the ABM system are delayed as they should be (and Sen. Brooke has voted against ABM deployment funds five times), this would have no meaning if the MIRV tests are ended successfully. When that happens, there will be a whole new set of rules.

We have, indeed, come to the end of this international game of chicken. Only Senate action, and soon, has a chance of persuading the White House that it is time to take the leadership for world peace by abandoning the hope of "bargaining weapons" that have long since lost all meaning for the human race.

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[From the Wall Street Journal, June 18, 1969]

THE ARMS RACE AND MIRV

In nearby columns the reader will find an attempt to untangle some of the skeins of the debate over strategic nuclear posture in general and multiple warheads in particular. One does not need to run with the outspoken doves to recognize that MIRV is a highly dangerous technical development and a very special case.

As a matter of fact, we have never subscribed to the fuzzy notion that the key to progress on arms control is for the U.S. to demonstrate its good faith. Rather, we think the chance of a really meaningful arms agreement rests on a strictly hardnosed bargain between the U.S. and the Soviet Union.

Nor do we think much of the vaunted "action-reaction cycle" as the ultimate explanation of the arms race. Certainly it's true that both the U.S. and the Soviets react to the other's arms advances, but in a deeper sense each is reacting to the inexorable advance of technology. The "action-reaction" explanation is not one that can be turned on its head; who will say straightaway, as this talk so often hints, that if the U.S. unilaterally stops its developments the Soviets will automatically do likewise?

We do strongly believe, however, that the U.S. and the Soviets must do whatever they can to stop the arms race. Even allowing that the actual chances of an eventual agreement can be improved by a certain amount of preparation, we have not been happy with the Administration's apparent slowness in completing arrangements for Soviet-American arms talks. It is encouraging that the U.S. has now reportedly proposed a starting date of July 31.

MIRV would be a logical first item in any arms talks, since future stability depends on both sides possessing a secure deterrent, and MIRV is a large step toward the ability for each to destroy the other's deterrent forces. But the U.S. development of MIRV is already in its final flight tests. Once the tests are completed, a MIRV limitation agreement would be vastly complicated by inspection issues. Thus a number of Senators have asked that the Administration halt the tests pending the forthcoming negotiations.

In reply, Dr. John S. Foster, Pentagon research chief, has argued that the U.S. needs to proceed with its present MIRV schedule because the Soviets might upgrade their aircraft defenses into a full-scale ABM. Yet such upgrading surely would require some amount of lead time, and apparently we already can start to deploy MIRV within a few months.

Defenders of MIRV also argue that a mutual moratorium might have been a good idea at one time, but that it is now too late to stop at a point where both sides are confident the other does not already have the weapon. While there is some disagreement about the precise status of the Soviet MIRV program, everyone seems to agree the U.S. is substantially ahead. At this point, in other words, it is the Soviets who would suspect that the U.S. has perfected the weapon.

That means that the U.S. could experiment with an announcement that it is suspending its tests for a limited period contingent on Soviet reciprocation. It could also stress that, whatever its progress in separating and targeting the warheads, it has not experimented with multiple warheads of the huge size necessary to attack Soviet deterrent forces. In this situation, the Soviet reaction would tell us whether it's already true that "the genie is out of the bottle."

Thus we think the Senators trying to shift the debate away from ABM and toward MIRV have a strong case. If the political obstacles to a MIRV holdback prove too high, indeed, they may want to consider offering to defer to the Administration's judgment on ABM provided it postpones the MIRV tests. Because of its huge destabilizing potential, MIRV is the truly urgent issue.

For multiple warhead technology is more dangerous than other arms developments now on the public horizon, and at the same time one on which a suspension seems reasonably feasible. The United States has a lead in the key technology. As long as development remains in the testing stage, a moratorium by mutual example could be unilaterally supervised merely by watching Soviet tests. Since arms talks are about to start, an announced moratorium could be for a limited period, pending formalization through negotiations.

We do not think much of the prospects of disarmament by mutual example as a general rule, and still less of unilateral holdbacks as a method of arms control. But the case for a carefully designed exception is seldom likely to be stronger than it is regarding MIRV.

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[From the Wall Street Journal, June 18, 1969]

MISSILE DEBATE: THE REAL VILLAIN IS MIRV

(By Robert L. Bartley)

The great missile debate of 1969 has been a debate about the wrong missile.

Or anyway, that's the strongest impression that sticks as a journalistic onlooker comes up for air after immersion in the literature the strategic controversy has engendered. Prospects of avoiding a nuclear exchange between the United States and the Soviet Union are not directly menaced by defensive antiballistic missiles. From the standpoint of avoiding this holocaust a far more serious threat arises from the offensive multiple warhead missiles both sides apparently are developing.

This week multiple warheads have finally been brought to the forefront of the strategic debate, at least momentarily. A halt in U.S. tests of MIRV (for multiple independently targetable re-entry vehicles) is being sought by a group of Senators led by Clifford Case and Edward Brooke. At best, though, MIRV remains a side issue in the ABM debate, which has spawned political, emotional and personal impediment that seem to make it unlikely any MIRV decision will rest on especially rational grounds.

The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability. It will make an enormous difference, to take a pointed example, whether nuclear arms are frozen when both sides have second-strike capability, or when both have first-strike capability.

UTTER DESTRUCTION

Mutual second-strike capability, the current posture between the U.S. and USSR, means that each side can absorb the worst nuclear blow the other can mount, then still retaliate overwhelmingly. Since a first blow would be suicidal, this posture helps promote stability.

Mutual first-strike capability, by contrast, would mean each side could so utterly destroy the other that the attacked power could not even effectively retaliate. Each would know that if it shot first it would win, but that it would lose if the other got off the first salvo. That deterrence that has so far helped prevent nuclear war would no longer pertain; in any crisis the present pressure toward stability would be quite reversed.

To preserve any pretense of deterrence in such a situation, each side probably would have to adopt fire-at-warning policies, threatening to fire its retaliatory forces in the 15-to-30 minutes between when a first strike would appear on radar and when it would hit. This constant state of alert would involve an obvious and destabilizing increase in the risks of nuclear war by accident.

The distinction between these postures is by no means academic, for it appears there's a real chance that the advance of technology will take us out of the era of mutual second-strike capability and into an era of mutual first-strike capability. If anything like this does happen, the principal villain will not be ABM but MIRV.

With MIRV each rocket launcher would have, say, three warheads. Thus it could attack three of the enemy's launchers. In other words, one missile with three warheads could take out three missiles with nine warheads. Theoretically, two sides with equal numbers of missiles could wipe out the other's retaliatory missiles with only a third of its own force. Whoever fired first would win.

In practice, to give thanks for small favors, a first strike is scarcely so simple. Since no missile system works perfectly, for one thing, such a blow would require many more missiles than simple arithmetic suggests. Opponents of the ABM have argued that because of unreliability and other factors, the possible mid-1970s force of 500 Soviet SS–9 missiles with MIRV would not be enough for a first strike against the approximately 1,000 U.S. Minutemen.

Such calculations, though, have been impressively attacked by Albert Wohlstetter, a

leading strategic specialist at the University of Chicago. He notes, to take one example, that ABM opponents have ignored that most missiles that prove unreliable do so either at launch or shortly thereafter. So a power mounting a first strike would know almost immediately which missiles failed, and could quickly send a second salvo against the remaining targets. Thus he calculates only 5% of the 1,000 Minutemen would survive an attack by 500 SS–9s, an impressive testimonial to the essential effect of MIRV.

Even total destruction of the Minuteman force, however, would not in itself prevent retaliation. The U.S. deterrent forces are "mixed," including not only land-based Minutemen, but also aircraft and Polaris submarines. This mixed posture is specifically intended to complicate any attacker's problems, and also to guard against sudden break throughs in any one field. A true first strike against the U.S., as Dr. George W. Rathjens has recently written, would require not only that the Soviets destroy the Minutemen, but also that they be "highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible."

Faced with such argument, Secretary of Defense Melvin Laird has retreated somewhat from his earlier invocations of a Soviet first strike. He now says that if the Russians continue their present developments, "the survival of two of the three major elements of our strategic offensive forces, namely the bombers and the land-based ICBMs, could be gravely endangered. To rely on only one of the three major elements would, in my considered judgment, be far too risky, considering the stake involved, which is the very survival of our nation."

In other words, the Secretary currently argues that the U.S. cannot ignore a threat to the Minuteman missiles if it wants to preserve the full stabilizing effects of a mixed force. If Minutemen were neutralized, a technical breakthrough in anti-submarine warfare would open thoughts of a successful first strike. The mixed force is in jeopardy because one of its components, the land-based missiles, is already obviously subject to that kind of destabilizing breakthrough, which is MIRV.

MR. PACKARD'S TESTIMONY

To be entirely precise, MIRV is a large step toward first-strike capability only when combined with warheads large and accurate enough to attack hardened launcher silos. While the U.S. is ahead in MIRV technology, the multiple warheads it's developing for Minuteman III and Poseidon missiles are apparently not large enough to be especially useful as a counterforce weapon. In Congressional testimony, Deputy Defense Secretary David Packard said the Minuteman is not a first-strike weapon with or without MIRV, and elaborated, "some of the considerations involve estimates of accuracy and weapons size, and I would be very glad to go into that with you in detail. I cannot do it in open session."

The Soviet SS–9 missile apparently can carry a warhead load some 25 times greater than the Minuteman can. Estimates of a MIRV system for SS–9 center on three warheads, each of 5 megatons, or 250 times the size of the bomb dropped on Hiroshima. The Soviets have other smaller ICBMs, and apparently U.S. intelligence once mistakenly expected them to taper off SS–9 deployment. Since the 5-megaton warheads would seem superfluous in a second strike against cities but ideal for a first strike against missile silos, Defense Department planners find continued deployment of the SS–9s highly threatening.

Both sides have long known how to make larger rockets and larger warheads, though, and the technical key to a first strike against land-based missiles is MIRV. Senators now starting to stress a curb on MIRV developments also stress its inspection difficulties. At present, with both sides still testing MIRV, each can monitor the other's efforts. A moratorium could be easily supervised. But once the systems are perfected, no agreed limitation could be easily enforced without unlikely on-site inspections. MIRV would be a reality, and all of its destabilizing effects would be upon us.

The missile debate has not concentrated on MIRV, of course, but on the ABM. The effects of ABM on stability are far less clear-cut. An all-out defense of cities is uniformly considered destabilizing, because it could facilitate a first strike by shooting down the few retaliatory missiles to survive an initial onslaught.

Proponents of the ABM nonetheless consider a light city defense a stabilizing factor, because it would guard against attack by a minor nuclear force such as Mainland China is expected to develop by the mid-1970s, and against a small accidental launch. An ABM can also be considered stabilizing if it protects missile forces, as the current Safeguard is supposed to do. Indeed, ABM proponents believe it would help offset the destabilizing three-for-one effect of MIRV, because an attacker would have to insure penetration of the defense by targeting several warheads on each of his enemy's launchers.

Opponents of the ABM often agree that defense of the deterrent would not upset the strategic balance. But they contend the Safeguard program is not actually adapted to that end, because it is a carryover from city defense plans and tries to combine defense of the deterrent with a light shield over cities. They seem to feel any defense of the cities is destabilizing for one thing, it would force the other side to counteract it by developing MIRV.

The latter argument, in a sense, only stresses that the emphasis in the strategic debate has been misplaced. The reasons ABM became the focus of the debate seem largely political and personal. MIRV was the cost-effective pet of former Secretary of Defense Robert McNamara, whom the ABM critics generally consider an ally of sorts. Secretary McNamara also proposed the first ABM deployment, but with an obvious distaste that hardly prevented his Congressional friends from attacking it.

More generally, critics of the ABM actually are less interested in any particular missile system than in establishing effective Congressional control of the Pentagon budget. They want to demonstrate that Congress can intelligently review and even reject Pentagon proposals. MIRV, an ongoing program for some time, would be an inconvenient target for such a demonstration. ABM development is not so far along, and the attack on it was all the more convenient because of suburban displeasure with ABM sites under the old Sentinel program.

Some leading ABM foes do not want to sacrifice the momentum they have gained on that issue by taking on MIRV as well or instead. Sen. William Fulbright recently told the Washington Post that the ABM has "become a symbol of this body's attempt to control the spending on arms." Rather than confuse the issue with MIRV, he suggested, "we should stay right on the ABM until it's disposed of."

A PRESIDENTIAL TEST

On the other side of the debate, President Nixon seems to have permitted the ABM issue to shape up as a test of his Presidential leadership. A suspension of the MIRV tests with the ABM vote still pending would make it look as if the President had been faced down. It might endanger his prospects in the ABM fight, as opponents of the system would probably assume the Soviets would reciprocate with their own MIRV slowdown, and would use this as an argument against the ABM.

MIRV has become prominent in the debate, in short, only after positions on both sides have been pretty well frozen. Yet if MIRV development continues both here and in the Soviet Union, it would seem that little stability will be gained by stopping ABM development. And if MIRV development is stopped by agreement or mutual example, the current mutual second-strike capability will be preserved regardless of what the two sides decide about limited ABM deployment for such reasons as protection against minor nuclear powers.

The ABM may be a technical flop and an enormous waste of money, as its opponents contend. But in promoting stability in the nuclear arms race, the ABM does not matter nearly as much as the intensity of the debate has suggested. What does matter is MIRV.

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## THE SAFEGUARD ABM

Mr. JACKSON. Mr. President, in his testimony and supplementary comments to the Committee on Armed Services, Prof. Albert Wohlstetter, of the University of Chicago, has done some important and impressive work in exposing the careless and defective calculations of certain opponents of the Safeguard ABM deployment.

In this connection, I invite the attention of Senators to Professor Wohlstetter's perceptive letter of June 11 to the New York Times in response to a letter written by Dr. George Rathjens of MIT.

The two letters were printed side by side in the New York Times of Sunday, June 15, 1969. I ask unanimous consent that the exchange of letters be printed in the RECORD.

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

LETTER OF DR. GEORGE RATHJENS

*To the Editor:*

You recently carried a story about Albert Wohlstetter's criticisms of an estimate I made that 25 per cent of our Minuteman force could be expected to survive a pre-emptive 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 per cent.

I have dealt with Mr. Wohlstetter's criticisms in a classified letter, but also feel I should comment on them publicly.

First, there is the question of whether I used the right "hardness" for Minuteman silos in my calculation. I used a chart released by Deputy Secretary of Defense Packard and data made available by former Deputy Secretary of Defense Nitze on Nov. 8, 1967.

One cannot determine unambiguously either the hardness of a Minuteman silo or the accuracy we expect with MIRV's from this data. However, by using both releases one can derive a probability for a Minuteman silo being destroyed without knowing the exact hardness. This I did. Any error in estimation of hardness is irrelevant because it is offset by a compensating difference in estimation of accuracy.

PLAUSIBLE THREAT

Second, it is alleged that I made an error in assuming four one-megaton [MT] warheads per SS–9 missile rather than three five–MT warheads as Mr. Wohlstetter assumed. My statement for Senator Albert Gore's subcommittee was prepared before anyone had suggested that the Soviet Union could employ the latter option with the SS–9. I saw no reason to change it, since I continue to regard a payload of less than three five-MT warheads as a plausible threat and because the difference is small compared with the following more important points.

The major difference between Mr. Wohl-

stetter'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 them about missile launch failures, failures during powered flight, 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 pre-emptive attack a rational choice. I have assumed they would not be able to obtain and use information about such failures in a timely fashion. This accounts for most of the difference in our estimates of Minuteman survival.

There are five far more important points to be made.

There is no hard evidence that the Russians are determined to build a capability to effectively attack our ICBM's.

If they wish to do so, they can build such a capability by the mid-1970's.

If they do so, implementation of the Safeguard plan could be offset by a very small additional Russian effort. Even an expanded Safeguard system would be less satisfactory than other alternatives for strengthening our retaliatory capabilities.

Even if the Russians built the capability to destroy our Minuteman force, pre-emptive attack by them would be madness unless they could discount completely the possibility that we might launch some Minutemen before the arrival of their ICBM's, and 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.

The most effective means of insuring the continued viability of the Minuteman force is early agreement to stop MIRV testing and to preclude a large build-up in Soviet ICBM strength. Negotiations to achieve these ends clearly merit higher priority than the deployment of Safeguard.

GEORGE W. RATHJENS.

CAMBRIDGE, MASS., *June 5, 1969*

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LETTER OF PROF. ALBERT WOHLSTETTER

*To the Editor:*

Responsible scientists like Drs. Bethe and Ruina, who feel we can delay starting ABM to protect Minuteman, testify that "any one . . . system, bombers, Polaris, Minuteman, has its own vulnerability;" that we need all three; that a threat to Minuteman concerns us gravely. One key issue then is whether that threat will develop by 1976 or 1977 when at the earliest Safeguard will be shaken down—or whether it is safe to wait years for a better ABM.

A disparate variety of calculations by Drs. Rathjens, Weinberg, Wiesner, and Lapp purport to show that it is safe to wait, that an attack by 500 Russian SS–9 missiles would leave untouched anywhere from one-fourth to three-quarters of our Minutemen.

They claim to square with official intelligence. Such confident inferences by scientists carry great authority and ought to be made with the utmost professional care. But despite their widely publicized claims, it is they (not those who would start ABM) who are careless of pre- as well as post-Nixon intelligence, and quite casual in their calculation.

They attribute to an SS–9 in the late 1970's poorer combinations of bomb yield, number of MIRV's, and accuracy than intelligence expects in the early 1970's; and compound these errors by presuming poor Russian tactics or higher blast resistance than designed.

BASIS FOR CALCULATION

In a note to me on his calculations, Dr. Rathjens assumed our silo could resist overpressures two-thirds higher than its design performance; and derived a probability some three-fourths too high that it could survive a 1–MT burst. He bases his probability calculations on doubtfully relevant 1967 testimony about U.S. attacks on adversary silos of unspecified hardness with a range of destruction probabilities. Dr. Rathjens applies the low end of this range to late 1970 SS–9's attacking our silos—which hardly fits a proof that "the most worrisome projections" leave us nothing to worry about. The other end of the range yields roughly the appropriate lower survival probability.

Dr. Rathjens assumes only four one-MT MIRVs in the late 1970's SS–9. But (a) more than four one-MT MIRVs were attributed by pre-Nixon intelligence to the SS–9 in the early 1970s; and (b) an alternative of three 5–MT MIRVs is now public. 500 SS–9s equipped with either of these MIRV options could destroy about 95 per cent of Minuteman if the Russians use well-established techniques for reprogramming missiles to replace known failures. Using no reprogramming at all, the 1–MT MIRV force would destroy 92 or 93 per cent of Minuteman. The ability of the five-MT force to destroy 95 per cent of Minuteman presumes only half the failures after launch are replaced—a figure well within the state of the art.

Even limiting the use of information to missile malfunctions before or during launch; the five-MT MIRV force would leave only 8 or 9 per cent surviving. These numbers are intrinsically uncertain—sensitive especially to changing accuracy.

400 SS–9s with one-MT MIRVs and accuracies better by only 250 feet would destroy more Minutemen than 500 with the accuracy expected in the early 1970s.

Dr. Rathjens' belief that variants of Safeguard help retaliation less than available alternatives is based on estimates of costs of these alternatives which I find as casual as his calculations on the threat to Minuteman.

Finally, unlike him, I don't believe a stable, monitorable agreement to limit strategic offense and defense would freeze ABM at zero. ABM can counter improvements in offense accuracy unlikely to be monitored; and can protect population against smaller powers that violate or do not sign the agreement. I doubt the Russians would accept a total ban on ABM.

ALBERT WOHLSTETTER,
*University of Chicago.*

LOS ANGELES, *June 11, 1969.*

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## NATIONAL TRAILS

Mr. MONDALE. Mr. President, the signing last October by President Johnson of the National Trails System Act signified the successful end of a long struggle which began legislatively on May 20, 1964, with the introduction by the Senator from Wisconsin (Mr. NELSON) of a bill to protect the Appalachian Trail.

It was the need to protect the Appalachian Trail, which was threatened by highway development and urban encroachment, that stimulated Senator NELSON to introduce his first legislation in 1964. And it was the success of the Appalachian Trail Conference that convinced the Congress that not only should the Appalachian Trail be protected but also that other trails across the country should be developed and protected in a similar way.

The end result is the national trails system, first proposed in Senate bill 827 introduced in 1967 by Senator NELSON and Senator HENRY JACKSON, which already includes the 2,000-mile Appalachian Trail and the rugged Pacific Crest Trail in the West. The act also designated for study and possible future inclusion in the system 14 other major scenic or historic routes across the country.

In an excellent article in the June–July issue of National Wildlife, published by the National Wildlife Federation, Senator NELSON describes the unique recreation opportunities for the Nation which such trails system will provide, and also eloquently describes the urgent need for the system in view of the fact that our green open space is rapidly being gobbled up by highways, buildings, and parking lots.

I ask unanimous consent that this very informative and interesting article by the Senator from Wisconsin be reprinted in the RECORD.

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

TRAILS ACROSS AMERICA

(By GAYLORD NELSON, U.S. Senator from Wisconsin)

This summer when I go hiking along one of my favorite forest paths in northern Wisconsin, a new feeling of optimism will go with me—a feeling I hope is being shared by all Americans who love our nation's outdoors.

That reassurance springs from the National Trails System Act signed into law last year by President Johnson.

Our kids aren't going to learn about the outdoors from a car window. They have to *see* our natural surroundings as the first settlers did to really appreciate this wonderful country.

That's why, when a hiking enthusiast buttonholed me in Washington five years ago and complained bitterly that his beloved Appalachian Trail was in danger, I became interested in a law that would protect "his trail" as well as set up a national system. It took four years, and many people, to get the job done.

Hiking trails provide the entire American family with perhaps the most economical, most varied form of outdoor recreation. So this new law gives us a much needed opportunity to preserve and more widely enjoy many significant parts of our country's natural heritage.

The National Trails System will require some years to assemble. But even a beginning represents a major breakthrough for conservation and wise outdoor recreation development. The goal is to provide *all of us*, no matter where we live, with easy access to a wide variety of trails suited to our tastes and needs—whether we are grandparents on a Sunday stroll, kids on bicycles or horseback, or veteran hikers.

The system will move toward this objective through two major programs.

NATIONAL SCENIC TRAILS

Two great trails already exist. The world-famous *Appalachian Trail* extends 2,000 miles across the East, and the even longer, more rugged *Pacific Crest Trail* across the West. These continuous routes will be uniformly marked, their rights-of-way clearly defined and protected by easements or government land purchase. Essential shelters will be maintained.

The Appalachian will be a foot trail. The Pacific Crest will serve hikers and horseback riders or pack animals. No motorized vehicles are allowed—except in emergencies. The National Park Service is in charge of the Appalachian Trail; the United States Forest Service, the Pacific Crest.

As a next step, 14 other major scenic or historic routes are to be studied by the Bureau of Outdoor Recreation as National Scenic Trails. This means that at long last a number of old trails, rich in natural splendor or deeply woven into the nation's history,

will be saved before all of them are obliterated by the impact of our industrial society.

Many, in fact, are now mostly under concrete, but some remain in the back country—old, almost forgotten paths worn deep by the feet of Indian warriors, trappers or traders, or grass-covered ruts in the prairie where once rolled the wheels of covered wagons.

NATIONAL RECREATION TRAILS

High priority is given to developing a variety of paths for various uses in or near our proliferating metropolitan areas. Two out of three Americans now live in urbanized communities; in 30 years, it will be three out of four.

As green open space is gobbled up by highways, buildings and parking lots, the people—especially the youngsters—have less and less place to hike, jog, ride bicycles or horses, or birdwatch, study plants and animals, sketch or photograph natural surroundings. We have built fabulously expensive automobile expressways, but have almost completely neglected those who like to move on foot, even though walking and hiking are the most economical and second most-popular form of public recreation.

National Recreation Trails are intended to meet this urgent human need. The possibilities for such trails are almost endless—if we use our imaginations and plan ahead. Our goal should be hundreds of miles of recreation trails in and around each major city. I have long felt that there should be a place to hike, to enjoy a natural environment, not more than an hour away for every American.

These trails are to be planned by local and state governments; those which meet the standards for National Recreation Trails will be eligible for Federal cost-sharing from the Land and Water Conservation Fund.

FOR BICYCLES, TOO

Urban trails are relatively inexpensive and can be built quickly. A number of small-scale demonstration projects undertaken in 1966 have already produced happy results. In congested Arlington, Virginia, just across the Potomac River from Washington, D.C., bicycle riders can now escape the perils and fumes of highway traffic by using an all-weather trail which runs for several miles along a creek, through existing park land most of the way, to the river. The Federal cost, matched by state and local funds, was only $48,000. In Seattle, Washington, a Federal investment of $49,500, matched by the University of Washington, created a nature trail through a marshy wildlife area to an island bird sanctuary and arboretum.

A GOOD START

The new law provides only a framework, of course, one which must be filled out by Federal, state, and local planners—with much help from conservation-minded citizens.

"This is a new kind of pioneering," one Federal planner told me. "It's exciting. We're getting all kinds of suggestions from all kinds of groups—Boy Scouts, women's clubs, historical societies and, of course, from many trail clubs."

The Appalachian Trail is a continuous footpath which runs along the backbone of the Appalachians from Mount Katahdin, Maine, to Springer Mountain, Georgia. Its hikers move among green, primitive surroundings much of the way, or have views of pleasant farm valleys—yet most portions of the trail are not far from great cities along its route.

There is a human angle, too. The trail owes its existence to the volunteer work of many outdoor clubs and individuals along its way. These enthusiasts, banded together as The Appalachian Trail Conference, have managed the trail, built shelters, marked it with the well-known A-over-T signs, and published maps and guidebooks.

RIGHT-OF-WAYS NEEDED

Since the trail crosses private lands for about two-thirds of its length, agreements had to be maintained with landowners to preserve the right-of-way. This became increasingly difficult in recent years due to the intrusion of roads, housing and commercial developments.

Under the new law, the Appalachian Conference will continue to be the principal guardian of the Trail—and I believe this volunteer idea can become a key to the success of other national hiking trail systems. Volunteers at the Appalachian Conference have done a remarkable job of developing and maintaining the trails. Thousands of people, young and old, have been involved in the efforts. This principle of participation should be extended to all trails.

People should feel that they have a stake in maintaining the trails, keeping them clean and attractive. Learning how to "brush out" a trail properly isn't difficult, and it gives one a close-up understanding of some aspects of conservation. Picking up trash is a long-lasting lesson that man shouldn't thoughtlessly desecrate the good earth. I know of young families who take responsibility for maintaining portions of the Appalachian Trail because they believe such work builds character by involving youngsters with nature, giving them a sense of man's responsibility toward his environment.

The second grand-scale model, the Pacific Crest Trail, is both a hiking and riding route for 2,300 miles, from Canada to Mexico, along the high ridges of the Cascades and the Sierra Nevadas. It offers some of the most dramatic and sublime mountain landscape in the world. As four-fifths of the trail is on Federally-owned land, the right of way can be established easily.

"The Pacific Crest passes include a generous share of the continent's most verdant forests, tallest and oldest trees, highest peaks, and most breathtaking waterfalls. The unique golden trout and almost extinct giant condor call them home. . . . Abandoned mines, old frontier towns and other relics of pioneer days still remain," says "Trails in America" a nationwide study.

TRAILS UNDER STUDY

It seems probable that the first two additional national scenic trails Congress will consider will be the Potomac Heritage and the Continental Divide. Surveys indicate both routes are "nationally significant", and the Bureau of Outdoor Recreation is now making in-depth studies. Each trail would provide its own, distinctly different outdoor experience.

The Potomac Heritage Trail would follow the banks of this history-rich river for 825 miles, from its headwaters in the mountains of Pennsylvania and West Virginia, past Washington, D.C.—where it would interconnect with a proposed system of metropolitan area trails—and on through tidewater country, still reminiscent of Colonial days, to Chesapeake Bay. No other trail in America offers such a concentrated scenic, cultural, natural and historic assortment.

The Continental Divide Trail would stretch for 3,082 miles through the grandeur of the Rocky Mountains from the Canadian border to Silver City, New Mexico. It would provide a wide range of both wilderness and western history experience, enabling riders and hikers to sample majestic mountain scenery, Indian reservations, and the Spanish-flavored Southwest. Most of the route is on Federal lands.

Twelve other potential scenic or historic trails await systematic study. All of them played a part in shaping the life of this country. They are:

*Old Cattle Trails*—such as the Chisholm Trail—over which the herds of Longhorns moved from the range of southern Texas to shipping points in Kansas.

*Lewis and Clark Trail*, 4,600 miles from St. Louis, Missouri, to the mouth of the Columbia River on the Pacific (trail includes return by alternate route).

*Natchez Trace*, first used by Indians, then traders, became the main early-day route between Nashville, Tennessee, and Natchez, on the lower Mississippi River.

*North Country Trail*, 3,170 miles, from the Appalachian Trail in Vermont through northern states to the Lewis and Clark Trail in North Dakota.

*Santa Fe Trail*, the 800-mile wagon route between Independence, Missouri, and Santa Fe in the Mexican Southwest.

*Oregon Trail*, the 2,000-mile pioneer route from Independence, Missouri, to Portland, Oregon.

*Long Trail*, 250 miles, from Massachusetts through Vermont to Canada.

*Mormon Trail*, the 1,200-mile route of the exodus from Nauvoo, Illinois, to Salt Lake City, Utah.

*Mormon Battalion Trail*, 2,000 miles from Mount Pisgah, Iowa, to Los Angeles, California.

*Kittanning Trail*, across the Allegheny Mountains, from Shirleysburg to Kittanning in Pennsylvania.

*Gold Rush Trails* in Alaska.

*El Camino Real*, the King's Road of Spanish Florida.

FUTURE RECREATION TRAILS

Specific plans for this part of the national system originate with local and state governments, and are just getting under way. And here I strongly believe in aggressive citizen involvement. We have done virtually nothing with recreation trails in this country mainly because state conservation departments with a few exceptions, haven't had the imagination or vision to plan them. One state conservation director once told me, "We don't build hiking trails because we have so few hikers."

He was putting the cart before the horse. How can there be hikers unless they have some place to go? And he obviously did not realize that making it easy for people to get out into the countryside, to learn about natural resources on their feet, is vital to conservation.

When conservation departments are stimulated to look systematically for potential trails in their states, they will be astonished by the number and variety available. After all, a good trail doesn't take much room. For example, along the Brule River in my state are the deep-worn paths left by Indians and fur traders. They are only a few feet wide and meander through the woods. To protect such a strip of history with easements, mark it, put it on a map, and keep it passable is fairly simple and should not be a very expensive task.

Several years ago I made a rough study of some of the more obvious trails we might develop in Wisconsin. When we put them on a map it showed a network totaling 3,000 miles! Running mainly along river banks, lake shores, and through state and national forests, these trails would put a hiking path within reach of virtually every family in cities, suburbs and small towns.

Long, continuous trails are not essential, however. Sites for many short ones, possibly 5 to 15 miles long, can be found in any state. Once developed, they become in effect linear parks where oncoming generations can learn the vital fabric of the earth, its vegetation and its creatures, through their own eyes, ears, hands and feet. Personally, I believe that every trail should have tree collections at suitable intervals—small plantations, perhaps only an acre, where youngsters could see every tree native to their state, each one identified with a plaque giving its name and important characteristics.

WHAT WILL TRAILS COST?

The National Trails System Act authorizes appropriations of $5,000,000 for acquiring

lands and easements for the Appalachian Trail, and $500,000 for these purposes for the Pacific Crest Trail, most of which already is on public land. The total investment will be relatively modest. A splendid nationwide network of all types of trails can be established for less than the cost, say, of a few hundred miles of superhighway.

The Federal share of the National Trails System is to be financed from the Land and Water Conservation Fund, as available and appropriated. As states complete their comprehensive outdoor recreation plans and proposals, including those for trails, they may apply for cost-sharing grants from the Fund.

FUND NOT ENOUGH

One trailblock, however, is that more conservation and recreation projects have been authorized than can be readily financed by the Fund. It isn't that the nation is overcommitted on projects—quite the contrary. Rather, the sights of the Fund have been set *too low*.

Congress recently sought to correct this by earmarking $200 million a year for five years for the Fund from Federal off-shore oil revenues—again, if appropriated. Even so, the massive task of saving and restoring our natural environment cannot be mastered unless we use general funds for this purpose on a much larger scale.

Still, conservationists should be optimistic. A more concerned, more constructive attitude is taking hold. I keep in mind a cold weekend one October when I hiked over a fine new trail being completed through the Chequamegon National Forest near Lake Superior. The work was being done by a group of college students who wanted that trail for themselves and others. Twenty-five of them invested their Saturday in trimming out brush, hauling off fallen trees and leveling hummocks. By the end of a long day they had created a pleasant 7-mile footpath where none had been before.

That kind of spirit can give America the trails it needs—and the trails can give us more of the America we need.

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## SPEECH BY WALTER J. McNERNEY, PRESIDENT, BLUE CROSS ASSOCIATION

Mr. RIBICOFF. Mr. President, several committees and subcommittees of the Senate, including the Subcommittee on Executive Reorganization, are deeply concerned with the problems facing those responsible for the delivery of health care.

There are no easy answers in this field. But we are fortunate in that many dedicated individuals and groups are hard at work at developing solutions to the difficulties of organization, financing and delivery of health care.

Walter J. McNerney, president of the Blue Cross Association, is one such individual. In a recent speech before the Group Health Institute annual meeting in New York, he gave a very impressive summary of the problems. His remarks on the subject of the prepaid group practice of medicine bear special attention.

I ask unanimous consent that his speech be printed in the RECORD.

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

THE HEALTH ADMINISTRATION ESTABLISHMENT: UNDERACHIEVER

A serious discrepancy exists in the relative investment our nation is making in the delivery of health care and biomedical research. As a result, we know a great deal about diagnosis and treatment of illness, but less than we should about how to translate our know-how into effective service at a reasonable price. Also, the health establishment, excessively preoccupied with old values and yesterday's problems, lacks the flexibility and motivation to create the right setting or to capitalize on opportunities that exist.

Last year the Federal government spent approximately $1.6 billion on biomedical research. During that same year, it earmarked—but spent less than—$18 million for research on ways to improve delivery of health services. In a market where significantly less than 50 percent of the new expenditures for health are translated into new services or modernization, the disparity is devastating in terms of both human compassion and economic soundness.

The essential fault cannot be ascribed to Congress. It is indeed true that past Congresses have generously appropriated money for biomedical research, with funds often exceeding requests of the Administration. But, for the most part, members of Congress are not health experts. It is to be expected that as members of a wealthy society, confident of overcoming challenging problems through massive infusions of money, they would feel that major health appropriations would bring concrete benefits to individuals and to their communities. Further, Congressmen are members of a society only now emerging from a long period of consumer unassertiveness (with the help of more effective mass media and more widespread education). They proceed gingerly in health matters for fear of interfering in quality of care (or, perhaps, risking some sort of personal retribution). Thus, it is natural for legislators to avoid significant involvement in the highly-charged problems of health care financing and organization.

The fault lies within the field of health. It is here, primarily, that heavy emphasis has been placed on professional versus consumer rights. The illusion that a noncompetitive economy can become efficient largely through the good intentions of practitioners and institutions given semi-monopoly power through licensure is still being perpetuated. It is here that we see emphasis on new hearts for the hundreds while millions suffer from lack of preventive care.

The example cited is symptomatic of the fact that our scientific acumen has badly outstripped our delivery know-how. Furthermore, massive infusions of research money from The National Institutes of Health, Medicare or Medicaid or from other quarters without corresponding attempts to improve the delivery of care, will simply heighten the problems we face. This is not to imply that we can arbitrarily stop spending or make wholesale cuts in health expenditures. As we already have seen, undercare can be result. The health system, like the economy as a whole, is in delicate balance. Expenditures must be coupled with more imaginative delivery systems, and this concept must evolve more rapidly than to date.

There are signs that the need for more effective delivery of health services is enjoying wider appreciation and that more dramatic changes in health care are in prospect for the next five years than we have seen in the last 20. While ready answers are not easily at hand, there are signs that health problems will be conceptualized and solutions will be sought by consumers, as well as by practitioners, drawing upon the help of task-oriented experts who are as much concerned with results as with processes. To put it another way, a strong dose of anti-intellectualism in health administration matters, which we have experienced in recent years, may be on the wane.

FORCES CALLING FOR CHANGE

Where do we see the signs of these changes? A good place to start is the population receiving health services. The orientation of the young needs little elaboration. The majority of them are wed less to gradualism than their elders. They are more inclined to act now when problems, such as access to care among the poor, become apparent, and they are less impressed with institutional form than with payoff. As access to and influence over health grow, these points of view will become increasingly influential. The growing number of medical students and allied professions interested in community medicine—whether in a neighborhood health center, a hospital, or the Peace Corps—suggests that receptiveness to these points of view within the health establishment will increase in the near future.

A second influential group, smaller in size but similar in impact, is the poor and near poor. Blue Cross asked Louis Harris to study the health problems of the total population last year. This and other surveys reveal that the poor—in relation to the average citizen—have a significantly greater incidence of major and minor medical complaints and less insurance. Also, the poor have a pervasive fear of major medical episodes and a despair about reasonable access to care. Surprisingly, the poor appreciated the value of specialty care as well as the non-poor and discussed the hazards of air and water pollution as well as the extensive use of pesticides in agriculture.

At the 1969 National Health Forum, sponsored by the National Health Council several of the ghetto residents who participated in the discussions gave unanimous support to programs that would cut through old ways to produce health professionals below the doctor level who might attend to their needs. They expressed great impatience with a system that requires upwards of ten years to produce a doctor—and doesn't produce doctors for their neighborhoods. "We may see them occasionally, but never the same one twice," they said. Obviously, the poor have a strong interest in change, and they, like the young, express a sense of urgency which the principals of the establishment lack thus far.

The gainfully employed who are supporting the poor and the young are also pressuring for change through both the public and private sectors. For example, in California, all of the major unions have combined to form a California Council for Health Plan Alternatives. Its general objective is to seek out and bargain for more effective means of organizing, operating, and financing health services. Recognizing the susceptibility of health services to inflation, its members see this problem as a matter of degree and not in terms of absolute license to justify rapidly increasing deductions from payroll to pay for the same or similar services, which often fall far short of full health care. With less formal organization, thousands of working groups around the country are concerning themselves with costs and effectiveness of care. By now, the story is a familiar one to all of you.

Importantly, several key consumer groups again are beginning to focus on the effectiveness of the total health system on a national scale and now just how it might affect a given subgroup or locality. For example, Walter Reuther has launched an exhaustive inquiry into the whole structure of our health system and the reasons lying behind its less than superior overall performance, as measured by mortality and morbidity experience (as the world's wealthiest nation), its low efficiency in some parts and its shortcomings in reaching out consistently to the disadvantaged. The AFL–CIO is similarly concerned. A key underlying assumption of these groups is that, whereas more money will be needed to do the job, much more can be done with the money we are now spending. The proposition is slowly emerging that adequate care for everyone is

well within reach, provided old institutional inertias can be overcome.

The government is now hardly a casual bystander. With obligations under Medicare and Medicaid—in addition to its manifold investments in research, education, and capital structure—it is vitally interested in effective care, especially in this era of tight budgets and heavy non-productive war expenses. Reflecting the mood of the working population, the poor and the young, as well as the needs of government as a purchaser of care, there is now more talk of the need for discipline within the system. Out of this comes greater interest in preventive care, less fragmentation of service, more appropriately placed incentives, better planning, and the like. There is less inclination to spend money without at first speculating on how it is to be spent.

Also, there is renewed interest in universal health insurance. We can expect some bills this year and more next. If not before, the issue is likely to be a major consideration in the 1972 Presidential election. What the specific outcome will be one cannot fathom at this time. However, whatever devise is agreed upon to raise the funds, we can be certain that there will be deep consideration given to the system on which it is spent.

Accentuating this quest for better delivery of care is the changing nature of medical practice itself and the changing setting within which it is practiced. The complexity of services needed for the treatment of chronic disease and the proliferation of specialties both call for organization—as do the problems experienced by the poor and well-to-do alike in getting care in an increasingly urban environment, replete with transportational and jurisdictional hurdles.

CHANGE UNDERWAY

The pressures calling for greater productivity and greater access are obvious. Even if slowly, the health establishment has finally accepted the need for organizational and financial reforms.

The hard output statistics portraying rapidly rising costs, differential utilization rates among the haves and have nots, and widely varying uses of human as well as material resources have been convincing. However, it is important to understand that a gradual change in economic philosophy has been occurring. At the root of many debates on medical economics over the years, has been the basic disagreement over whether the health system was, like many other segments of the economy, essentially self-regulating. Those that said that it was, spoke in terms of minimum regulation, deductibles and co-pay provisions so as to involve every individual in every transaction as well as the desirability of many different patterns of payment and provision of care, etc. With greater resources involved, more visibility and higher stakes, it has become apparent that with the absence of both true competition and genuine consumer choice and with the social, if not economic, necessity of focusing on need as well as demand—self-regulation is significantly lacking. The assumption that well-meaning professionals can carry the day is not valid. Solutions to large scale problems of productivity and allocation require more basic pressure than personal or professional idealism alone can muster, particularly if each transaction is prepaid. Once this is accepted, the door is open to debate over substitute controls which can give the system greater predictability. We are at this stage.

The challenge facing us is to construct a flexible and publicly-accountable organizational-type model which exploits the assets of both the public and private sectors, moderates the wide range of choices without backing into the trap of "one best way," and recognizes the need to keep decisions as close as possible to the problems involved.

Most health professionals are aware that there are no simplistic solutions and consensus on the merits of any given intervention or combination is low. Furthermore, individual doctors and hospitals in casting their votes on solutions face the dilemma of balancing their own needs against the needs of the system.

One major approach involves the planning of health programs and facilities. As opposed to entirely self-appointed growth, decisions should be made relative to community need on a community-wide basis. Potentially, a proper system could establish a reasonable capital structure and focus program on gaps as well as overlaps. Both would go a long way toward improving the system. Achievement of effective planning is another matter. Aside from the issue of local pride, there are strategic considerations of process, authority, structure, and scope. Currently, planning is proceeding along several axes, i.e., PL 89–749, Regional Medical Programs, Hill-Burton, areawide planning agencies. Medical, hospital, and insurance organizations—as well as state governments and other groups—are jockeying for power within these frameworks. The net result is very little control. The speed with which legislation was conceived left even the Federal government badly fragmented. Prospects for rapid progress are dim although long-range prospects are brighter.

Attempts are being made to develop incentive reimbursement formulas under contract between purchasers of care and providers. As an emergency measure during World War II, it may have been justifiable to pay hospitals on a cost plus or charge basis, but under more normal conditions, it is not. Several experiments are under way or being proposed, such as payments according to work standards or preagreed target rates. Several prototypes deserve evaluation, but in any event, it is important that the provider share risk and thus be given incentive to innovate, that the rates are pre- rather than post-agreed, that the structure be reasonably simple and that the agreements be struck through negotiation and firm bargaining. Progress has been slow. Hospitals and allied institutions appear to enjoy the economic weightlessness of full payment, subject mainly to post-audit, and they face the prospect of negotiating cost parameters with large contractors with some trepidation.

In doctor payment, the swing to a usual and customary basis puts a great deal of stress on the restraints of peer performance and its impact has yet to be fully measured.

The much-discussed process of utilization review—in which judgments are made by doctors largely regarding the proper site of care, relevancy of services utilized and appropriateness of stay—has great potential. With computers it is now possible to print out comparisons within and among providers regarding performance relative to preset criteria of effectiveness by diagnosis, age, and sex. At the least, computers can help to make comparisons without reference to criteria. Up to now, the manual labor required to judge cases and the essentially claim-type work demanded of busy doctors has resulted in little effective control over either under- or over-use of facilities and services. It remains to be seen whether well-documented data in attractive format, easily retrieved from memory files, will change the situation or whether resistance will then be based more on the professional's inherent distrust of the norm.

Accreditation is being expanded in scope but to date has been concerned with minimum standards rather than efficient use of resources. Plans are under way to examine administrative as well as professional practices.

Of Major importance is whether most or relatively few health services are to be prepaid. Use tends to follow prepayment. Benefit structures that concentrate on acute services invite overuse of these services at the expense of alternate, more effective and less expensive services. Currently, approximately 40 per cent of the health care dollar is prepaid. The average will have to be at least 80 percent before physicians can begin to deal successfully with pressures from patients or their families to minimize their out-of-pocket expenses. Growth of benefits has been slow but steady. A few leading industries are approaching 50 to 60 percent effectiveness, but those with limited resources, often small in size, still lag appreciably behind.

The problem of access is being fought along three fronts. Primarily through formal or informal planning (e.g., PL 89–749 and The Regional Medical Program), efforts are being made to congregate services so that preventive, acute, and rehabilitative care can be obtained in a reasonably compact location and through a reasonably well organized program. The so-called campus concept built around a medical center or a smaller teaching hospital is a case in point. Expanded ambulatory programs and conveniently located doctors' office buildings are another case in point. However, fragmentation is still a major problem for the poor and rich alike. Lacking education on use of services and mobility, the poor are particularly handicapped—to the point where undercare is common even when government support for care is available. Out of this realization, a Polaris program has arisen (the second front), called the neighborhood health center program, where an attempt is being made to build and consolidate many ambulatory services under one roof, tuned to the needs of the surrounding population.

Finally, one sees concerted efforts being made to develop health benefit programs for the poor and the near poor through Medicare, Medicaid, and Model Cities, while the long debate on universal health insurance begins. Closely allied efforts involve attempts to improve social security payments, welfare payments, workmen's compensation, and unemployment insurance and to explore such ideas as the guaranteed minimum wage, negative income tax, family allowances, job training, and public works programs. The attack is multilateral and proceeding cautiously, slowed by the prospective costs, low assurance on relative merits of alternative approaches and a hesitancy about how well the money will be spent.

Overall, we see that attempts are being made, through selective intervention, to introduce more order into the system through use of various incentives, parameters and negotiation and employment of a gamut of legal, fiscal, and professional means. An overall concept is lacking, but at least the time has arrived when the system—as opposed to the individual practitioner or institution—has come in for its share of attention. The stage is set for the development of national goals in the Office of the President or the Secretary of Health, Education, & Welfare, and periodic evaluation of progress toward them. The stage also is set for debate on the real issues: public versus private roles and how to balance such conflicting forces as uniformity versus variety, standardization versus innovation, centralization versus decentralization of decision making and the like.

IMPEDIMENTS OF PROGRESS

This is not to imply that the going will be easy. Health institutions respond slowly. For example, with the diffision of authority existing among boards, administrations, and medical staffs in hospitals, progress tends to be rapid when heroic, sharply-defined effort or technique is involved, but glacial when through programs are involved, even though they may have greater life-saving potential. How many administrators will stick their necks out on any major issue when prevailing staff or board sentiments runs roughly counter? How many pathologists will be in-

terested in sharing facilities with neighboring institutions when their role and income might be adversely affected?

The matter is further complicated by excessive specialization among supporting skills in and out of the hospital. Each new skill which supports doctors develops a society with its own uniforms, standards, codes, associations, officers, and so forth, whose demands often challenge the job at hand. Acquisition of skill and pursuit of quality are the justifying targets of these demands, but often the result is to make the institution a holding company for specialties narcissistically concerned with their own needs to a significant degree. Coordination of effort directed at a given patient or program is hard to achieve. A preoccupation follows with form rather than with substance.

In a medical center, the problem is compounded by the disassembly of the university of which the medical school and teaching hospitals are a part. We now see the cult of the specialist and the technologist in full flower. Is it surprising that students are asking what the University stands for, with respect to complex human and community problems whose solutions require a commitment, a point of view and the coordinated insights of several disciplines? Is it surprising that medical centers which straddle ghetto areas remain excessively preoccupied with esoteric research projects? Should we be surprised to see such enthusiastic pursuit of challenging cures with so little interest in prevention, although the payoffs for the community favor the pap smear over the transplanted heart? Why have technical skills not been relegated to supporting personnel who, like the military corpsman in Vietnam, could be entrusted to perform a wide scope of functions well, and if he works at it, ultimately can become a doctor?

The causes are neither malicious intent nor a malevolent spirit. The technician or professional does not conspire against the institution. He simply devours it, unless the institution is strong and unless it stands for something meaningful. Needed are clearly enunciated goals, proper incentives, and sound structure. Universities and health institutions built on the concept of fatuous egalitarianism, where all licensees have an equal voice, are in for a bad time. It is no accident that there have been marches on both.

It is also no accident that the neighborhood health program was initially conceived and implemented outside of HEW by young men deeply concerned with the poor. These young men had decided that the only way to get the program off the ground was through bypassing the establishment as much as possible—whether the establishment was seen in the form of public health agencies, hospitals, planning agencies, or professional societies.

THE CONCEPT OF GROUP PRACTICE

The concept of group practice and how it has been debated is a good case in point. Group practice represents one impotrant attempt to provide focus and to strengthen production through coordinated effort, whether in the form of a loose confederation of physicians or in the form of a well organized group operating on a prepaid basis. And the concept has had rough going—particularly prepaid group practice.

We have seen an encouraging growth in consumer prepaid group practice multispecialty plans in recent years. But why has overall progress, on the basis of percentage of population enrolled, been slow, particularly when planning, utilization review, and other worthy efforts to achieve greater access and productivity have provided less than a full answer to currently pressing problems?

In part, the answer lies in forces typical of those afflicting every institution. Physicians have not been trained to think in group terms outside the hospital. There are conflicts within groups, on a professional or administrative basis, which verify for some the fact that group practice cannot work. From the public's point of view, there is often frustration with benefit gaps or with need for excessive travel to get service. Some may chafe under the narrower range of choice of physician than one finds in the community as a whole, even if it is realized that this is one price one pays for quality. A few others may still associate group practice with services to the poor, while deriving satisfaction, if not status, out of their own personal doctor or doctors.

While prepaid group practice is in a minority pattern, one would expect to see some of these and other attitudinal and substantive problems arise. However, one would not expect emotional, often vitriolic attacks on the concept, from the professional community. And, yet, this is what we have seen over the past 30 years and we still see it today. The antagonists see prepaid group practice as unethical, inimical to the quality of care, restrictive of freedom of choice for the consumer, and the end of professional freedom.

It is not my purpose to refute such nonsense. Any group that equilibrates freedom and ethics with lack of structure, or rationalizes a threat to the pocketbook with the excuse of threat to quality, ultimately depends on reasons that wear down through sheer lack of substance, although, admittedly, the refutation of this nonsense has been slow in coming. Perhaps, a sick consumer can be forgiven for being more than ordinarily slow-witted.

It is essential to point out that this type of attack is symptomatic of a deep seated problem. It represents the unthinking application of old remedies to new and different problems; it ignores the facts of significant social and economic changes; it confuses personal aspirations with community good, and, at times, it even reflects class or some other equally distasteful bias. These attitudes are difficult to get at, even for the well community, because often the point of view is sincerely held while resting on self-deception or, perhaps, more frequently, on ignorance of the essential needs of modern medicine and an urbanized society. Whatever, it is unacceptable to today's generations, who are properly suspicious of hypocrisy and less than full candor. The image of a solo practitioner earning $200,000 in lonely splendor while a local medical society or hospital fights the development of a neighborhood health center simply won't go.

Prepaid group practice, then, is more than a technique; it is a battleground. It must be given a chance to succeed, for one thing, because it makes sense, but even more importantly, because the type of rationalization that opposes it must be rooted out for the sake of medicine and the community. In essence, we need more research and development in the area of delivery of services, but as a corollary, we also need the courage to implement what we already know.

Let us recall that the pressures for productivity, less fragmentation and greater access are growing. A scheme that is built on a service benefit, includes a broad scope of services with a heavy accent on prevention, contemplates a close working relationship between ambulatory and bed care, involves a utilization review structure that spans an episode of illness, keep decisions close to the problems involved, and features a prenegotiated rate within which the system will live, cannot be that bad. In fact, it seems to bear directly on the key economic problems we face while respecting the need of the practitioner to make important clinical decisions. If it is not worthy of evangelistic support, at least, it deserves a fair crack at the market. In passing, it might be noted that the well-known Kaiser group practice prepayment plan met 76 percent of the cost of medical services for its subscribers and that the cost of these services has been rising less than one half as fast as for the nation as a whole. Admittedly, a select population is involved, but the challenge is still there.

LOOKING AHEAD

Prepaid group practice can serve as a useful device for looking ahead as well as over one's shoulder. Its slow growth is related partly to the fact, perhaps, that many of its proponents have been too brittle and too intense, possibly overreacting to the heavy propaganda against it. The cause sometimes assumed religious fervor and the liturgy sometimes seemed too stereotyped. One result was that faults as well as claims were at times exaggerated. In fact, with a full, unrestricted play of consumer and professional forces, prepaid group practice will likely emerge as one of several formats, more applicable to certain settings than others.

I should like to suggest that a more pragmatic and flexible approach might hasten the day of a new equilibrium:

First, the merits and demerits of prepaid group practice must be stated more eloquently in topical language that can be widely understood. It costs less. While provision is made for coordinated care for all members of the family, a control and incentive structure is created that holds promise of efficiency and effectiveness. It has been estimated that $500 million to $1 billion could be saved annually on hospital payments alone through the elimination of paperwork if an inclusive rate payment were instituted. What would a per capita payment across the board save?

Second, every effort should be made by management and labor to include dual or multiple choice clauses in labor contracts so that what form of payment and/or practice is desired is left, in part, at least, to the individual employee. Thus, the consumer and doctor exercising free choice would decide on proper patterns as opposed to the promulgation by power groups of legislation or through concerted political pressure to outlaw or regulate against certain forms of group practice. The essential issues are economic, not professional.

Third, artificial impediments to natural evolution should be struck down and struck down now. For example, the laws or regulations in 17 states prohibiting consumer-owned and operated prepaid group practice are anachronisms, if they ever had validity. Federal and state money, both grants and loans, should be available to all community oriented and operated health institutions, including organized groups—and not focused solely or primarily on the construction or expansion of bed facilities. It should be clear by now that without proper balance between, for example, ambulatory and bed facilities, program emphasis will be distorted and diseconomies will arise. Payments under such programs as Medicare and Medicaid should be made on a per capita basis with as little red tape as possible. I am not talking about special favors. Prepaid groups are well able to stand on their own feet, as they should. I am talking about unstacking the deck.

Fourth, there should be continued evaluation of the impact of various forms of group practice on use factors and costs. We lack sufficient yardsticks to do the job convincingly at times, and we even lack a common language, but let's reveal what we can while improving our techniques.

The Blue Cross Association has applied for an HEW grant to examine use and cost patterns under group practice and solo practice arrangements. For those who think the issue of prepaid group practice is dormant, I should recall that the study application elicited at least three resolutions condemning it at the annual meeting of the American Medical Association. Our application still stands.

Fifth, and finally, among other points that might be mentioned, it is time for greater unity of program and purpose among community-oriented and owned institutions.

Closer coordination of those who are dedicated to better health as a primary goal would have a strong and beneficial effect. It is time, for example, for Blue Cross to work more closely with community-oriented prepaid group practice. As most of you know, Blue Cross packages benefits with HIP in New York and GHA in Washington, D.C. To the comprehensiveness of program of these groups is added the considerable strength of out-of-area coverage and transfer rights. Hopefully, we will also be able to look forward to Blue Shield's encompassment of per capita payment, as Blue Shield, too, reflects changing community and professional interests.

Ideally, the hospitals and the groups should be joined. It is incredible that more hospitals have not taken the initiative in establishing a group or groups geared to provide a full range of services, if for no other reason than to tear down the economic curtain between ambulatory and bed services, and to join the physician more meaningfully and accountably in the administration of health care. Whereas certain separations exist for reasons that have nothing to do with quality or efficienty, it is becoming increasingly evident that the future development of group practice and a variant form—neighborhood health centers—will rely heavily on an institutional basis.

I have made primary reference to prepaid group practice implying a comprehensive and tightly organized scheme. However, it is important to encourage better organization and financing of practice, whatever the form. The old style at Henry Ford Hospital and the new style being so ingeniously implemented at Harvard are both valid. Perhaps, a few medical center facilities can be teased into playing a community role. And the group practice without walls experiment in Washington, D.C., deserves support.

Citing prepaid group practice is a useful way to point out how far in some cases ossification still is, but a half a loaf is better than none and, more importantly, the chief targets should be such things as proper incentive, better coordination and effective control—not a given chassis *per se*. If there are any principles other than these, two deserve quick reference.

First, no form of practice deserves long range support unless it attempts to serve the whole community. Extolling low use and cost data on the basis of serving preferential populations may make sense in arithmetic terms but not in community terms. Second, the ownership should be primarily by those affected, i.e., subscribers.

In conclusion, a major challenge facing the health system is to purge itself of its old fogies in a more avid pursuit of greater productivity and effectiveness. Other challanges are to face up honestly to the unmet health needs that are extant among rich and poor alike, to seek institutional forms that can balance effectively the sometimes conflicting aspirations of professionals and consumers of care, and to weight alternate programs (including food, housing, employment) in terms of results rather than nostalgic references. Also, let us hope that we can be realistic about the fact that we live in an economy of scarcity and that there is a limit on what people will spend on health. For those who moralize about controls, or still feel offended at hearing health discussed in terms of public policy or economics, let us remember that we are talking not about whether, but about how the limits are to be established.

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## ADDRESS BY ATTORNEY GENERAL MITCHELL BEFORE TENNESSEE BAR ASSOCIATION

Mr. BAKER. Mr. President, the Tennessee Bar Association's 88th anniversary convention was held last week in Gatlinburg, Tenn. The highlight of the convention was an address by the Honorable John N. Mitchell, Attorney General of the United States.

The Attorney General spoke of several issues of special concern to all of us, including the violence and disorder that have plagued our Nation in recent days. I believe his remarks are timely and worthy of the thoughtful consideration of Senators, and ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY HON. JOHN N. MITCHELL

INTRODUCTION

It is a great pleasure for me to leave the humidity and heat of Washington to come down to the beautiful Smoky Mountains and talk to the 88th Annual Convention of the Tennessee Bar Association; and, as you may know, the current heat we have in Washington has little to do with the weather.

*1. Violence in America*

The topic about which I will talk this evening is a broad topic—the increasing disrespect for our system of law on the college campuses, in our core cities, and on the streets of our urban and suburban areas.

It has become fashionable in some circles to say, for example, that violence is "as American as cherry pie." But this begs the question. While it may be true, historically, that this nation has had sporadic periods of internal violence, we have never accepted physical force as a legitimate means to achieve a political or social goal.

It seems to me that the danger today comes from those who justify physical violence—not as a sporadic or symbolic protest as did Thoreau—but as the only form of protest: as the only consistent and acceptable method of forcing their demands upon the majority.

There are those on our college campuses who argue that administrators will listen only after buildings are seized and students injured.

There are those among our black community who argue that the white community will listen only after arson and looting have occurred.

There are those in our urban areas who argue that the dropout juvenile mugger and the disadvantaged adult bandit are, in some unconscious way, bringing to our attention their plight.

And several months ago, an eminent criminologist even suggested that society should arrange a formal truce with the organized criminal syndicate because all efforts, so far, to weaken organized crime have failed.

I sympathize very deeply with—and I suppose I do not understand completely—the resentment and hatred that are throbbing in our colleges and in our cities. Because of my age and background, I suppose I cannot fully appreciate the depth of resentment held by students who wish more of a voice in their own affairs and of minorities who wish to participate fully in American prosperity.

But I reject, this Administration rejects, and you must reject the alternative of physical brutality. Broken limbs, damaged lives and scarred buildings cannot be weapons of negotiation. Social progress must be achieved through our peaceful political processes which are rooted in simple humanity, intelligent awareness and discussion, and sufficient economic resources.

For in this chaotic decade, I must pose to those who advocate lawlessness the query of Mr. Justice Holmes:

"Behind every scheme to make the world over lies the question, what kind of world do you want?"

The kind of world that I want, that this Administration wants and that most Americans want, is a nation of political stability, social advancement and economic growth firmly rooted in "equal justice under law."

Since January 20, as Attorney General, I have made several priority decisions and policy statements in an effort to achieve the kind of world we want; and I should like to detail them for you briefly.

*2. Street crime*

Perhaps street crime is, in the long run, our greatest problem. The latest FBI statistics show that serious crime in the United States increased 17% in 1968 over 1967 to 4.6 million serious crimes—or three-fourths of a million more than in 1967.

The increase is not limited to any particular area of the nation and is concentrated in our urban-suburban metropolitan areas.

It was up 22% in metropolitan regions of one million and up 25% in areas from 500,000 to one million.

Furthermore, juveniles now account for a majority of crimes against property and the juvenile rate is growing faster than the juvenile population.

As Attorney General, I can tell you that street crime in our cities and suburbs and the fear of street crime is changing the fabric of our society, and is forcing our citizens to change their traditional living patterns. They stay off the streets at night. They shy away from helping strangers. They are distrustful and insecure in their own neighborhoods.

This is an area where the federal government has little enforcement power. Here, we must rely on the states and cities for their cooperation. The federal government can offer advice and technical assistance—and we can offer funds.

Our federal leadership in the national effort against street crime will come primarily from the Law Enforcement Assistance Administration in the Justice Department.

President Nixon has strongly supported my request to Congress for a record $300 million appropriation for the next fiscal year for the Law Enforcement Assistance Administration. Most of this money will go to the states in block grants to be distributed to urban areas, to be used, in one form or another, to aid the administration of justice on the broadest scale.

We need *more* police and they must, in most cities, be better educated and trained. We need *improved* juvenile facilities and educational programs to stop our youth from turning to the streets. We need *more efficient* justice so that those who are arrested will be tried promptly and either convicted or acquitted. We need a complete overhaul of most prison systems with rehabilitation facilities, psychiatrists, and social workers to assure that the prisoners of today will not be—as four out of ten are expected to be—the prisoners of tomorrow.

But our attempts to decrease street crime have another aspect which is even more important—solving the root causes of common law crime in our cities. It is simply not an accident that the highest incidence of crime occurs in the ghetto where poor housing, poor education, and lack of employment opportunities are more prevalent than in other parts of our urban-suburban areas.

Here too, President Nixon has supported substantial programs. He has proposed a $2.5 billion hunger program designed to insure, once and for all, that our citizens have an adequate basic diet. He has reorganized the Job Corps retraining program for disadvantaged youths and eliminated some of the less efficient aspects. He has continued the Head Start program for the educationally underprivileged and transferred it back to the Department of Health, Education and Welfare where it belongs. He has maintained the Office of Equal Opportunity, mainly as an experimental laboratory to try for new solutions. He has asked for a $700 million appropriation for the Model Cities programs

in an attempt to rebuild our inner cities and offer the local residents some control.

Voluntary Action

We hope that the states and cities, in attempting to solve our national crime problem, will invite private industry and nonprofit organizations to participate in meaningful anticrime programs under the guidance of government officials and professional organizations.

The voluntary sector of our community offers an enormous reservoir of money and manpower to help in non-police functions, such as juvenile programs, narcotics rehabilitation programs, and work training programs for prisoners.

Therefore, we have been working, for the last three months, with major private organizations in an effort to form a united anticrime fund.

This fund would have two main purposes: to collect money from the private sector and to distribute this money to professional groups and volunteer organizations for local anticrime programs.

As President Nixon said in his inaugural address: "We are approaching the limits of what government alone can do . . . we must reach beyond government and enlist the legions of the concerned and the committed."

We know that private citizens can help. In Royal Oak, Michigan, retired businessmen, corporation executives, and lawyers have volunteered to establish a successful program working with juvenile offenders on probation.

The Jaycees has started a promising program to establish local chapters in prisons which emphasize education and job training. The Jaycees then take responsibility for the prisoner after he is released to see that he obtains employment and helps him to adjust to civilian society.

These are some of our plans so far in the street crime category.

*3. Organized crime*

Now, I would like to discuss our organized crime program.

We will spare no effort to attack this nationwide organization of racketeers who corrupt our youth with illegal narcotics, who taint our public officials with bribes and corruption, who pervert the outstanding ideals of the labor union movement, who employ murder and torture to collect their debts, and who, in a very real sense, prey mainly on the poor and less educated segments of our population.

President Nixon has asked the Congress for a record $50 million appropriation to launch a meaningful nationwide campaign against organized crime, utilizing all the weapons at our disposal.

Almost all of this money will be used to increase the Strike Forces, a relatively new concept in organized crime investigations. These Strike Forces are now in eight cities and a year from now they will be in an additional 13 cities.

The Strike Force is composed of investigators and lawyers from the FBI, the Justice Department, the Bureau of Narcotics and Dangerous Drugs, the Internal Revenue Service, the Secret Service and other agencies. This unified interdepartmental approach has proved extremely successful. In one city alone we have been able to obtain 30 indictments in an attempt to permanently eliminate an established organized crime syndicate.

Our tactic is to spread an intricate and well manned net of federal law enforcement, ranging from minor tax violations, to extortion and common law crimes to narcotics and gambling violations.

One of our most useful tools in the investigation of organized crime is wiretapping. Since I became Attorney General, I have reversed the previous Department policy and have authorized wiretaps of organized crime syndicates. For example, one tap led to the seizure of a $6 million shipment of heroin in New York City and to the arrest of a number of alleged narcotics importers. Another wiretap in the midwest led to the seizure of counterfeit money and to the arrest of four alleged counterfeiters.

I strongly believe in the right of privacy and I recognize the abuse to which wiretapping may be subjected. That is why I personally review each application and why I believe, in general, that court supervised wiretapping in the best approach.

But we must balance the equities. We must protect our homes and offices from unnecessary invasions. We must protect our communities from organized gangsters.

*4. Racial disorders*

As opposed to organized crime, the racial violence in our cities is disorganized and sporadic. It erupts without warning. It is rooted in the hostility of unfulfilled promises and the bleakness of ghetto life.

It will only be removed when all Americans recognize that minority citizens must be granted equal rights to education, to employment, to housing, and to the full enjoyment of our society.

Nevertheless, in the interim, civil disorder cannot be ignored. And while, of course, massive force is a solution, it is not a solution which we endorse except under the most extreme circumstances.

What is needed is intelligent and sensitive law enforcement; and to be frank, an ability to roll with the punches without pushing the panic button.

The Department has formed an emergency task force which is composed of experienced lawyers and members of our Community Relations Service.

When a local situation appears tense, we quietly dispatch our task force to see if it can be of aid to local political leaders, law enforcement and courts in handling possible disorders. While civil disorder is basically a local affair, a major riot has such national repercussions—including the possibility of federal troops—that we think we have an interest in helping local officials to cool the situation.

In the last several months, the Department of Justice has co-sponsored meetings with local police chiefs on how to handle possible civil disorder. These meetings, for example, have stressed the importance of community relations activities between the police and the local ghetto residents.

We have stressed that community relations programs should not be pro forma rituals. They should be conducted on a wide scale so that as many police and as many minority leaders as possible talk to each other—not at each other—in an attempt to bridge the hostility that frequently incites disorders.

Until now, I have been discussing crime and disorders in our urban areas. As a final comment, I would like to discuss the disorder in our universities.

*5. The idea of the university*

The American university educational system is one of our proudest achievements.

James Russell Lowell once noted:

"It was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

Or, as the Commission headed by former Solicitor General Archibald Cox reported:

"A university is essentially a free community of scholars dedicated to the pursuit of truth and knowledge solely through reason and civility . . . resort to violence or physical harassment, or obstruction is never an acceptable tactic for influencing decisions in a university."

THE STUDENT MOVEMENT

To date, we have had disturbances on more than 200 campuses—about nine per cent of the colleges in the country. In only a small number of such disturbances was there any severe physical violence and bloodshed reported. The total arrest rate, of 2,300, is less than four one-hundredths of one per cent of all of our students.

While accurate statistics are not available, it is believed that less than two per cent of our students have engaged actively in any disruptions causing physical or property damage.

It might be convenient to look at these statistics and suggest that the situation has been exaggerated. I think not.

Society has a way of selecting symbols and it is no accident that some of the most violent demonstrations have occurred at some of our most highly regarded universities—California, Wisconsin, Harvard, Cornell, Duke, Columbia—the universities to which we point with pride as among the leaders of our higher educational system.

Furthermore, it is undeniable that, while violence-prone activists represent a small percentage of our students, some of their actions have struck a responsive chord to a whole generation: so responsive, in fact, that the activists receive at least tacit support or neutrality from many other students.

A decade ago we saw the "silent generation" going quietly from the university to earning a living. Today, we have the "involved generation" who are interested in the problems of our society. They are active in civil rights, in poverty, in hunger, in education for the poor, in job retraining, and in partisan politics. I welcome this generation's demand that the university not be an extra-territorial community removed from society, but that it and its members deeply involve themselves with the problems of the day.

But if they are to assume a role as adult activists in a community, they must also assume the obligations that go with adult citizenship. And one of the primary obligations upon which we exist is a simple maxim, carved above an entrance of the Justice Department in Washington, which says:

"Law alone can give us freedom. Where law ends, tyranny begins."

Campus militants, directing their efforts at destruction and intimidation, are nothing but tyrants. But there are others who share the blame by failing to act—university administrators must take firm and immediate action to protect the rights of faculty members to teach and of other students to learn. Faculty members should stop negotiating under the blackmail threat of violence. Apathetic students should stand up for the rights of those who wish to pursue civility and scholarship in the academic community. To the extent that they remain neutral or refuse to act, they are all accessories to the tyranny we are now witnessing.

The time has come for an end to patience. The time has come for us to demand, in the strongest possible terms, that university officials, local law enforcement agencies and local courts apply the law.

I call for an end to minority tyranny on the nation's campuses and for the immediate reestablishment of civil peace and the protection of individual rights.

If arrests must be made, then arrests there should be. If violators must be prosecuted, then prosecutions there should be.

It is no admission of defeat, as some may claim, to use reasonable physical force to eliminate physical force. The price of civil tranquility cannot be paid by submission to violence and terror.

THE CONSTITUTIONAL RIGHT TO DISSENT

The genesis of our current student problems is thought to lie in our encouragement of lawful dissent.

The right to express disagreement with the acts of constituted authority is one of our fundamental freedoms. The First Amendment expressly protects "the freedom of speech" and "of the press" and "the right of the people peaceably to assemble, and

petition the Government for a redress of grievances."

As one Supreme Court Justice has described it:

"The right to speak freely and to promote the debate of ideas is . . . one of the chief distinctions that sets us apart from totalitarian regimes."

And as Mr. Justice Brennan has said:

"The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools. The class room is particularly the 'marketplace of ideas'."

THE LIMITS OF DISSENT

But there are definite limits beyond which these First Amendment guarantees may not be carried.

The Supreme Court has flatly rejected the argument "that people who want to propagandize protest or views have a constitutional right to do so whenever and however they please."

Only two months ago, the Supreme Court ruled that the right of students to engage in peaceful protests does not include the right to disrupt the educational process.

Thus it is clear that students do not enjoy any special prerogative to interfere with the rights of other students or, as the Supreme Court has said: ". . . conduct by the student in class or out of it . . . is . . . not immunized by the constitutional guarantee of freedom of speech."

The right to be a student carries other fundamental rights than the right to dissent. Among these valuable rights which must also be protected, are the right to use research facilities, free from occupation by demonstrators; the right to use libraries free from seizure by dissidents; the right to consult with administrators free from having one's personal file and records destroyed; the right to study in an atmosphere of "reason and civility."

WHAT SHOULD BE DONE

Having briefly defined the problem, I feel obligated to offer a few suggestions on what can and should be done to resolve it.

My jurisdiction, as you well know, is limited to the application of federal law. Our concept has always been that, unless we in the federal government have a clear mandate, we permit the states and the municipalities to deal with law enforcement problems. The clearest mandate we have, so far, is the anti-riot provisions of the 1968 Civil Rights Act. It prohibits persons from crossing state lines with intent to incite riots.

We have substantial information confirming the widely accepted belief that several major university disturbances have been incited by members of a small core of professional militants who make it their tragic occupation to convert peaceable student dissatisfaction into violence and confrontation.

These circumstances can only lead to the conclusion that this hard core is bent on the destruction of our universities and not on their improvement.

You can be assured that these violence-prone militants will be prosecuted to the full extent of our federal laws.

We are also collecting a great deal of information about student disorders and those who cause them.

We are offering this information to state and local law enforcement officials operating in jurisdictions where campus disorders may occur.

No society, including an academic society, can survive without basic agreement by a great majority of its members as to the fundmental precepts upon which it operates.

The first precept for any academic community must be to outlaw terror.

The second premise is that students, faculty and administration officials should all participate, in some measure, in the decision-making process. What this means, at a minimum, is that university administrators must offer a serious forum for responsible student criticism—and more than that, it must be clear to the students that their grievances will be honestly considered and will not be lightly dismissed under the procedural ruse of an artificial dialogue.

Third: universities must prepare for prospective violence. It is no longer acceptable for a university administration to claim, after the events of this year, that they were taken unawares—that they acted in panic and that their mistakes can be blamed on the alacrity with which the demonstration developed.

Here, too, the entire university community should be consulted since it is the censure or approbation of a majority of this community which will determine the course of student violence.

If, as has been done at some universities, the majority overwhelmingly rejects minority violence, the militants are left isolated except for brute physical power.

In any event, the university administrator should, in anticipation of the outbreak of a disturbance, consult with local law enforcement officials and courts on the methods of handling various disturbances. Preparation and coordination by these parties may well eliminate the disturbance and will assure the timely application of any required counter-force.

Fourth: if all else fails and a major disturbance does occur, university officials should consider applying immediately to a court for an injunction.

This approach has been used in the last six weeks with increasing success—at Howard and George Washington Universities in Washington, at Columbia University in New York and at several other schools. The civil injunction appears to have several advantages. It carries the judicial authority of the courts rather than the administrative authority of the police. It carries the certain knowledge that violators will be prosecuted for contempt on the motion of the court rather than the frequent hope that the university will grant an amnesty and decline to prosecute for common law crime violations. It does not permit a continuing dialogue under the threat of more violence.

The injunction takes the university out of the law enforcement business, where it does not belong, and replaces it with the court which is better suited for this purpose.

Let me be specific: University officials are not law enforcement experts or judges. When a violent outbreak occurs, they should not take it upon themselves to decide how long the violence should endure and what rights should be trampled upon until local government is called in. For minor demonstrations, which involve no serious disruptions, the university should have the viability to decide for itself what the best solution may be.

But when people may be injured, when personal property may be destroyed, and when chaos begins, the university official only aids lawlessness by procrastination and negotiation. The university is not an extra-territorial community and its officials have the obligation to protect the rights of the peaceful students on its campus by use of the established local law enforcement agencies and the courts.

CONCLUSION

I should like to conclude this address by asking our citizens to consider the words of Rousseau:

"If force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with immunity, disobedience is legitimate; and the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails?"

## ALASKA OIL DEVELOPMENT: INTERNATIONAL AND LOCAL IMPLICATIONS

Mr. STEVENS. Mr. President, the Senator from Washington (Mr. JACKSON) recently delivered an address before the World Trade Club of Seattle. He discussed Alaska oil development—international and local implications.

Senator JACKSON's comments indicate that he shares the concern over the development of Alaska oil expressed by many other individuals of my State's petroleum resource and the fact that the gravity for oil development in our country is swinging northward, altering the balance of world power especially as it relates to petroleum.

Senator JACKSON's interest and concern, as well as his thoughtful analysis, are welcomed by all who are watching the development of Alaska's petroleum industry.

I ask unanimous consent that his important address be printed in the RECORD.

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

ALASKA OIL DEVELOPMENT—INTERNATIONAL AND LOCAL IMPLICATIONS

(Address by Senator HENRY M. JACKSON)

A casual observer would suspect that the oil industry had a working agreement with those interested in world trade. The companies seem to find oil only in remote areas of the world—as far away from markets as possible. In fact, it appears that the oil industry has a preference for extremes in both geography and temperature. The two main areas of activity and attention are the Middle East Deserts where temperatures soar to 130 degrees and now, the Northern Slope of Alaska where temperatures fall to 70 degrees below zero. Of course nature, and not the oil industry, is responsible for the location of oil and the fact that oil is today one of our largest commodities in world trade.

The recent oil discovery on the North Slope of Alaska appears to be the largest discovery of oil on the North American continent since the 1930's, if not in all time.

There is still a great deal of uncertainty as to how much oil is actually there. One experienced firm of consultants has estimated the discovery at 5 to 10 billion barrels on the basis of an analysis of wells actually drilled. These same figures have been confirmed by a number of the companies active in the area. Officials in the Department of the Interior say that 40 billion barrels is more realistic. Some private estimates run as high as 100 billion barrels.

If the North Slope turns out as rich as experts estimate, it could well be the largest oil discovery in the hemisphere's history. The largest discovery in the United States to date is the East Texas field. It is estimated at 6 billion barrels. The Maracaibo field in Venezuela is estimated at 30 billion barrels. Only two fields in the world have been larger: One in Kuwait, and one in Saudi Arabia.

When we consider that the total proved recoverable reserves in the entire United States at the moment is about 30 billion barrels, the discovery in Alaska, even if it does not develop into the mammoth figures that some people suggest, will, at a minimum, constitute a very major addition to U.S. oil reserves.

By way of comparison, since World War II, the industry has drilled about 200 times the exploratory footage in Texas that it has drilled in Alaska. This, to a layman, suggests that even with the recent discoveries the full potential of this area has yet to be explored.

The extent of the discovery may be seen in

the amounts of money, time and effort the oil industry is willing to invest to get a piece of the action. For example, freight moved by cat train costs $160 per ton. Freight moved by air costs $240 per ton. Wages are 50 to 75 percent higher than in the lower 48 States. Well drilling costs are as high as $4.5 million per well. This compares with $70 to $80,000 for land based drilling in Texas and California, and $500,000 for offshore well drilling in the Gulf of Mexico.

We will soon have a concrete indication of the extent of the reserves when we see the prices which the oil companies pay this Fall for a block of State leases which will be sold on a competitive basis. Depending on how much acreage the State actually puts up for sale, the lease revenues may reach a billion dollars. By way of contrast, the present record in the U.S. for a competitive lease sale is the $600 million paid for leases in the Santa Barbara Channel.

Even after reviewing these figures, it is still difficult to appreciate the magnitude of the Alaska oil development. In its entire history, about $400 million in gold was taken out of the Klondike area. A very conservative production rate of one-half million barrels a day on Alaska's North Slope would produce this same amount of mineral wealth in *one year!*

It is, therefore, perhaps not premature to speculate as to the impact of this major new energy resource. As you know, one of the major problems faced is moving the petroleum to markets at competitive prices.

The major companies are already studying alternative means and routes for transporting the oil to market. The first production from the Prudhoe Bay area is expected to be available for marketing in 1972. It is anticipated that this oil will move from the Northern Slope of Alaska through a Trans-Alaskan pipeline to an all weather port in Southern Alaska—probably Valdez—for shipment to the western portion of the United States.

The proposed 48-inch pipeline will be the largest ever built in the world. As planned, it would span 800 miles and would cost a reported $900 million. Initially, it will handle 500 to 750,000 barrels-a-day. The pipeline would have an ultimate capacity of moving in excess of 2 million barrels-a-day. By way of comparison, the current consumption of the West Coast region is only 1.7 million barrels-a-day.

I might add that one of the companies involved—Atlantic Richfield—has already begun construction on a 100,000 barrel-a-day refinery at Cherry Point near Bellingham in Whatcom County. The refinery will presumably utilize Alaskan crude shipped from the southern terminal of the Trans-Alaskan pipeline. The Trans-Alaskan pipeline could also provide the route through which Northern Slope crude could be trans-shipped to Japan if the volumes and economics permit Alaskan crude to participate in the world oil market on the basis of price and security of supply.

The first market impact of the oil discovery in Alaska will, however, be felt on the West Coast of the United States. This area has been a crude-deficit area in the past, and the difference between domestic supply and demand has been met through imports. When and if it comes, the Alaskan crude will not come in as a trickle. On the contrary, the cost of transportation facilites, as well as the cost of operating on the North Slope, requires it to be a large-volume operation if it is to be economical. We can, therefore, expect that the flow of oil from Alaska will be measured in terms of millions, not thousands, of barrels per day.

At the moment, we can only guess as to the impact of Alaskan crude on the West Coast market, but it seems reasonable to assume that the growth in imports into this area will be curtailed at least in the first few years after the Alaskan crude comes to market. Perhaps a more reasonable line of speculation would be that the West Coast area may no longer be considered as a separate region for U.S. oil policy. It may well be integrated with the United States as a whole because its special status as a crude-deficit area apparently will soon be circumstance of the past.

It appears that the oil industry believes that its discoveries in Alaska will be far greater than could be absorbed by the U.S. West Coast market. I'm sure you are all familiar with an experiment which will be conducted later this summer. Humble Oil Company, with participation by other companies, has purchased the largest tanker in the U.S. Fleet—the U.S.S. Manhattan—and refit it for a test run through the long sought Northwest Passage. If this "$30 million gamble," as the companies describe the experiment, proves successful, Northern Alaska, and indeed Northern Canadian oil can be marketed to the Eastern Coast of the United States and to Europe in a most direct and economical manner.

The benefits of an open, year-round Polar sea route include increased U.S. self-sufficiency in oil; a U.S. tanker fleet which by 1980 would be 2½ times its present size; and the opening of other mineral resources in far Northern Alaska and Canada.

It is now becoming clear that there is a great deal more to the Northwest Passage project than oil. An open Northwest Passage could create an international trade route that will have a profound influence on the rate of Arctic development and the patterns of worldwide trade. It will mean the fulfillment of a long-felt need for a shorter and more direct route from Europe to the Far East. At a recent press conference, industry spokesmen noted that the present mileage from London to Tokyo (without the Suez Canal) is about 14,670 miles. Even with the Suez Canal in operation, the mileage is 8,585—plus the Canal toll. On the other hand, the Northwest Passage route between the same points is something less than 8,000 miles.

The central fact about the Northwest Passage is *not* the technical difficulties nor the hostile weather. The central fact is its *key* position. Defense planners have known the importance of the Arctic for years. Today the planners of commerce must take it more seriously.

With its central position, the Northwest Passage could become the catalyst which opens up the resources of far northern Alaska and Canada to the world. A year-round sea route in this area could do what the railroads did for the western United States before the turn of the century.

Dr. Charles Jones, the President of Humble Oil Company, recently discussed the development of other mineral resources of the Arctic. He said:

"The mining industries of the Arctic are still in the infancy stage, primarily due to the transportation problems.

"A dramatic example of the possibilities is the fabled Mary River iron ore deposits on Baffin Island. Exploratory drilling has established an ore body there of high enough quality to feed directly into the furnaces of the world's steel centers.

"Other deposits of tungsten, lead, zinc, nickel, and especially copper await development."

In the event that the oil industry's $30 million dollar Northwest Passage gamble does not pay off, the industry may turn to a direct pipeline across Canada to the East Coast, or by ship to the Puget Sound region and then by pipeline to the Mid-West and the East Coast.

It is tempting to speculate as to the impact of Alaskan oil on the market structure in the United States and in the world. There are, however, a great many factors which will influence both the rate, the nature and the impact of development. These factors make speculation dangerous.

The first of these, of course, is the nation's oil import policy. I'm sure you are all aware that President Nixon has underway an intensive, fundamental review of our oil import policies. The review will take into consideration the impact of the new discoveries in Alaska. Those of us in the Legislative Branch who have responsibilities in this area will, of course, view the study findings with interest.

A second factor involves the wise use and conservation of Alaska's resources and the resources of the Arctic region as a whole.

The interplay and the relationship between development and conservation is an old problem that has acquired new significance in recent years. The answers of the past tended to stack the deck in favor of unimpeded and, often, unthinking resource development and exploration. Historically, the competing and contending forces of the marketplace did not pay much, if indeed any, attention to conservation, to the maintenance of environmental values, and to the needs of future generations.

Past practices and the old philosophy are not satisfactory anymore. If development is to proceed, it must proceed in harmony with environmental values and sound conservation philosophy. Some of the problems of current concern are the routing, the design, and the safety features of the proposed pipeline. Others are whether the production of oil on the fragile Arctic environment can proceed without pollution and without causing irrepairable damage to other resources.

Another area of concern is the risk of collision and oil spillage involved in sending huge tankers through the Northwest Passage or through the Bering Strait.

Finding answers to these and other problems are matters of concern to the American people, to the State of Alaska, and to the Federal government. If satisfactory answers are not found, it is clear that the pace of development will be slowed.

At my request, officials and representatives of the major oil companies which are active in Alaska, recently met with members of the Senate Interior Committee and with representatives of major conservation organizations to discuss ways to minimize the impact of oil development and technology on Alaska's unique scenic, wilderness, and fish and wildlife resources.

As a result of that meeting, the oil industry and representatives of major conservation organizations have formed *ad hoc* working committees which meet on a regular basis.

In my view these meetings mark an historic and unprecedented effort. Finding ways in which new technology and new development may proceed with a minimum amount of damage to the environment is one of the greatest challenges our nation and the world faces.

Assuming that the technological, the conservation, and the trade policy issues associated with Alaska's oil development can be resolved, it is clear that there will be major impacts on international trade and on the structure of geopolitics.

One thing is clear. Because of the recent discoveries on Alaska's North Slope, the center of gravity for oil development is swinging Northward. And this is altering the balance of world power—especially as it relates to petroleum.

The Arctic Circle—once thought of as a barren waste land—is now becoming the key area for exploration and development. And as this occurs, the importance of the Middle East and other politically unstable areas is lessened.

One of the most significant features of the North Slope discovery is that it is "American" oil. It is subject to the jurisdiction of the United States alone. This means freedom from foreign strife, insecurity, and shakedowns for larger royalties.

It would indeed be an anomaly if this remote area at the top of the world could be the source from which the United States could resume its role as a net exporter of energy. Of course, the enormous demands of the rapidly growing U.S. market suggests

that the United States itself will be needing all the oil we can find in Alaska and a great deal more. For example, the U.S. petroleum consumption is growing at a rate of 3.7 percent a year. This means that in the next 5 years we will consume 10 billion barrels of oil.

Those of us who live on the Puget Sound have to concern ouselves with the many questions related to Alaska's oil development. How they are resolved will play a large part in determining the role our region will play in the development of Alaska's potential. The center of gravity for the development of oil and other mineral resources is in the process of shifting from the Far East and elsewhere towards Alaska. As this shift continues, Seattle and the Puget Sound are placed in an increasingly advantageous trade and commerce position.

In the past, Seattle and other ports on the Puget Sound have been characterized as the "Great Gateway *to* Alaska and the Orient." Today this process is being reversed. Bellingham and the ports of the Puget Sound are now becoming the "Gateway" *to the rest* of the United States and the rest of the world for the resources and the products of Alaska and the Orient.

## DRUG ABUSE IN WASHINGTON METROPOLITAN AREA

Mr. TYDINGS. Mr. President, yesterday the Committee on the District of Columbia continued its hearings on Metropolitan Washington area drug abuse with a comparative study of approaches to the narcotics problem in Washington and Baltimore.

I could not help but be impressed by the imaginative measures taken by public officials in Baltimore to deal with their narcotics problem. Indicative of the outstanding work done by law enforcement officials in the Nation's sixth largest city is the fact that the crime index for Baltimore is down 2.2 percent for the first 5 months of this year as opposed to the corresponding period of 1968.

In the particular area of enforcement of narcotics laws, efforts in Baltimore have far outstripped those made in our Nation's Capital. Because of a joint concentrated attack on the narcotics problem by both police and prosecutors, the number of narcotics arrests in Baltimore are projected to be 133.4 percent higher in 1969 than they were in 1968. In addition, so far this year, Baltimore police have arrested 19 major suppliers of illegal drugs. I am distressed that there has been no comparable law enforcement effort here.

Baltimore officials have also had an outstanding record in the treatment of narcotics addicts. Just this year, the Maryland legislature passed the "comprehensive drug abuse control and rehabilitation act" that provides for a drug abuse authority starting July 1 to develop and coordinate the drug abuse effort in the State.

Yesterday we heard testimony about two significant rehabilitation efforts in Baltimore. One is a program for drug addicts on parole run jointly by the State department of parole and probation and the State department of mental hygiene. The other is the man alive methadone maintenance program. There is no program comparable to either in the District of Columbia.

I should like to insert in the RECORD two documents from this morning's hearings. One is the statement of Donald D. Pomerleau, Baltimore's outstanding police commissioner, outlining the police efforts to combat narcotics traffic. Since Commissioner Pomerleau assumed his position in September 1966, he has made the Baltimore department a model for other metropolitan police forces to follow.

The other document is the Comprehensive Drug Abuse Control and Rehabilitation Act for the State of Maryland. This act was written by Steven V. Sklar, a member of the general assembly from Baltimore, who has a keen grasp of the narcotics problem.

I ask unanimous consent that both documents be printed in the RECORD.

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

A PRACTICAL PLAN FOR NARCOTIC CONTROL IN BALTIMORE

(By Commissioner Donald D. Pomerleau)

The extent of the contribution made by narcotics and dangerous drugs to the incidence of crime in the urban area, unfortunately, is unknown. The technology available to the criminal justice system has not been used to provide this information. Thus, our speculations must necessarily be qualified when measuring the relationship of narcotics to crime in general. Now that the Omnibus Crime Bill is a reality, however, there is hope that in the foreseeable future this void will no longer exist. Comprehensive state-wide plans for the improvement of the system will of necessity address themselves to all facets—maybe we will be able to marshal our collective resources in this manner. Then each of us having agencies in the system may more intelligently direct our efforts toward a better resolution of the problems which face us.

There is no question, however, that the traffic in narcotics and dangerous drugs contributes significantly to the incidence of crime. We have all heard that the expensive habit of addiction causes many to turn to crime in order to support their addiction. Our files reflect considerable activity of this sort. It is not uncommon to find addicts extensively involved in burglary, larceny, and prostitution to support what is reported to be a very costly habit.

While developing short- and long-range plans for the improvement of law enforcement in Baltimore City during the past several years, it appeared to us—the top management of the Police Department—that we needed to take a new look at our narcotics enforcement posture. There was complete agreement on the staff that a more aggressive approach to the enforcement of our narcotics laws would prove beneficial to the overall community. The detail of this new posture was then unknown; however, it seemed to us that no one in the law enforcement field had been particularly successful in this area of responsibility. Certainly the Federal Bureau of Narcotics and Dangerous Drugs cannot do the job by themselves. The Bureau of Customs of the U.S. Treasury Department while functioning in an exemplary manner is restricted to traffic at ports of entry. And lastly, it was obvious to all that State, County, and Municipal law enforcement agencies were not coping with the problem.

As we evaluated activities of other urban areas, it seemed to us that they shared in our predicament. In the final analysis it was decided that we would attack the problem on a very broad basis, that is, department wide. No longer would we confine our activities to the specialist unit commonly referred to as the Narcotics Squad. Obviously they were not capable of coping with the problem. My Narcotics Unit had at that time (late 1966), as they now have, fifteen men assigned. I found that only two of these officers had ever received any formal training in the area of narcotics and dangerous drugs. Immediate steps were taken to improve the education and training of these men; however, this has been a rather difficult experience because appropriate resource agencies are severely limited. The Federal Bureau of Narcotics was doing all it could, under limited circumstances, to assist local law enforcement. The Federal Government was in the process of developing a new bureau under the U.S. Department of Justice which would encompass both the Federal Bureau of Narcotics of the Treasury Department and the Bureau of Drug Abuse Control of Health, Education and Welfare. As this reorganization progressed, we were able to train more and more men at the Federal Bureau of Narcotics and Dangerous Drug's School here at the seat of government, and today we have thirty-eight graduates. This training will be continued as spaces are available.

I have said previously that the Narcotics Unit of my department has only fifteen men assigned, and we do not have any plans to increase it in number. In my opinion, and this is concurred in by my principal staff and command officers, we could not make a significant contribution if we assigned fifty men or if we assigned one hundred men to one specialized unit. To me the obvious solution was to train as many officers as possible within the field forces so they all could take intelligent, official police action involving narcotics in their respective areas of responsibility.

Today in my department the Narcotics Unit no longer becomes directly involved with the addict, the runner, or a low level supplier. They are, and should be, specialized with a primary responsibility of seeking out the importers, the suppliers and distribution points. They need to function so that they are effective in cutting off the supply. Under our concept all other levels of narcotics enforcement are conducted by officers of the field forces—that is, the Patrol and Criminal Divisions, and our Tactical Section.

When planning this endeavor, I found needless barriers to cooperative efforts between field and staff forces. The word was out that officers of the Patrol Division do not involve themselves in narcotic enforcement—"This is for the Narcotics Squad at Headquarters." I found that some of the officers were willing to refer or simply ignore such cases. On the other hand, I found officers who were quite willing and eager to enforce narcotics laws. In either case, I found that they possessed little or no expertise in the area. This was not their fault; they had never been given an opportunity to acquire the necessary knowledge. Additionally, men of the force could not obtain warrants for search and seizure and/or arrests in the cases of vice without first receiving approval from their Captains. This too stifled individual initiative and relegated many officers to the posture of being mere responders to calls for service rather than recognizing the ills about them and taking intelligent police action when warranted.

These barriers were removed—through direct communications with my men and publically through the media. No longer need they check with anyone at headquarters—no longer need they receive the Captain's permission to obtain a warrant. Quite the contrary—I expect them to develop their cases efficiently and lawfully, and to be complete and total police officers.

Concurrent with this, I made arrangements with the Federal Bureau of Narcotics to hold 3-day training sessions on narcotics and dangerous drugs in my city. They have provided outstanding professional instruction and have assisted me immensely in motivating the force. These 3-day seminars were initially attended by police officers,

policewomen, sergeants assigned to district (precinct) plain clothes squads, and selected personnel from our Tactical Section. We have now completed three of these seminars, another started today, and five more are scheduled and will be completed by the fourteenth of November of this year. Our training facilities are limited but we are using a National Guard Armory. Our classrooms are crowded as we have sixty students in attendance. We would prefer to have classes of thirty or thirty-five, but we must move forward in this education and training process. While once there were two men in the sixth largest Police Department in the nation who had some background in the field of narcotics, there are now thirty-eight graduates of the Bureau of Narcotics course held here in Washington, one hundred eighty graduates of the 3-day seminars, sixty in the current class, and there will be sixty assigned to each of the classes as currently scheduled. We intend to continue this training opportunity until all of our patrolmen, sergeants, lieutenants, and captains (3765) have received this exposure.

The concept of the "total officer" has been well accepted by the force. The men recognize the contribution they are making to problem resolvement. They are eager, highly motivated, and dedicated—our arrest statistics reflect this.

To enhance the relationship which exists between local and federal authorities, I have assigned five of my officers to work with and out of the office of the Federal Bureau of Narcotics and Dangerous Drugs in our city. As we develop our resources, this number will be increased. These men will not remain in this assignment for an indefinite period as it is my intention to rotate men out of this environment to the field at district level, and at the same time bring in new men for the assignment at the federal facility. The advantages of this should be apparent—persons who have developed individual trust and respect, have worked together, socialized together, and call each other by their first names are much more likely to possess a high esprit de corps than those who have not had this exposure.

While the incidence of crime reportedly continues to ascend in many urban areas, we are pleased to say that index crime in the city of Baltimore has decreased by 2.2% during the first five months of this year when compared to the same period of time in 1968. As one of our major newspapers reported. "Of all reported crimes in the first five months of this year, burglaries took the most dramatic drop, reversing a fifty per cent rise in 1968 over 1967. The 8,435 burglaries reported are 2,177 fewer than last year." This is an interesting development. We are hopeful that as we broaden and improve upon a refined attack on crime these figures will improve still further. Much remains to be done but we are making progress—and we shall make more.

*Comparison of arrests for narcotic violations by year Baltimore Police Department* [1]

| | |
|---|---|
| 1966 | 430 |
| 1967 | 618 |
| 1968 | 772 |
| 1969: | |
| 1st 5 months | 751 |
| Projected total | 1,802 |

[1] Prepared by Crime Analysis Unit, Planning and Research Division.

ARREST FOR NARCOTIC VIOLATIONS BY YEAR, POLICE DEPARTMENT, BALTIMORE, MD.

| | 1966 | 1967 | 1968 | 1969 |
|---|---|---|---|---|
| Narcotic arrests | 430 | 618 | 772 | 1,802 |
| Percent | | +43.7 | +24.9 | +133.4 |

[1] Prediction based on ratio of increase for 1st 5 months, 1969.

ARREST OF NARCOTIC VIOLATORS BY DIVISIONS OF THE BALTIMORE CITY POLICE DEPARTMENT BY YEAR AND PERCENT

| | 1966 | 1967 | 1968 | 1969 [1] |
|---|---|---|---|---|
| Patrol division | 50.3 | 41.3 | 58.9 | 68.8 |
| Criminal investigation division | 49.7 | 58.7 | 41.1 | 31.2 |

[1] Based on 1st 5 months, January–May 1969.

*Comparison of arrests of narcotic violators by divisions of the Baltimore Police Department by the year and percent* [1]

| | Percent |
|---|---|
| 1966: | |
| Patrol division | 50.3 |
| Criminal investigation division | 49.7 |
| 1967: | |
| Patrol division | 41.3 |
| Criminal investigation division | 58.7 |
| 1968: | |
| Patrol division | 58.9 |
| Criminal investigation division | 41.1 |
| 1969 (1st 5 months): | |
| Patrol division | 68.8 |
| Criminal investigation division | 31.2 |

[1] Prepared by Crime Analysis Unit, Planning and Research Division.

*Persons arrested for narcotic drug violations for 1st 5 months of 1969 listed by degree of participation, police department, Baltimore, Md.*

| | |
|---|---|
| Supplier [1] | 19 |
| Peddler [2] | 140 |
| Abusers [3] | 552 |
| Other [4] | 40 |

[1] Supplier: Major violator wholesaler, dealing with large quantities—Oz., Lbs., etc.

[2] Peddler: Deals in small quantities at street level.

[3] Abuser: Includes addicts, marihuana users and other prohibited drugs.

[4] Others: Non-addict, non-abusers arrested for contributing to disorderly houses.

HOUSE BILL 1257

An act to add new Article 43B to the Annotated Code of Maryland (1968 Supplement), to follow immediately after Article 43A thereof, and to be under the new title "Comprehensive Drug Abuse Control and Rehabilitation Act," to create the Comprehensive Drug Abuse Control and Rehabilitation Act to combat [effect] "the effects" of all forms of drug abuse through a statewide program of education, treatment and rehabilitation and to repeal Section 306B of Article 27, and all other sections of the Annotated Code which are inconsistent with the provisions of this Act.

(NOTES OF EXPLANATION: *Italics indicate new matter added to existing law.* Roman matter indicates amendments to bill. Lightface brackets indicate matter stricken out of bill. There are no revisions or amendments to section 1. Quoted words in title indicate an amendment to the title.)

*Comprehensive Drug Abuse Control and Rehabilitation Act*

*1. Declaration of Purpose.*

*The Legislature finds and determines, based in part upon the report of the Maryland Commission to Study the Problems of Drug Addiction, as follows:*

*(a) The human suffering and social and economic loss caused by all forms of drug abuse are matters of grave concern to the people of the State. The magnitude of the cost to the people of the State for police, judicial, penal and medical care purposes, directly and indirectly caused by drug abuse, makes it imperative that a comprehensive program to combat the effects of drug abuse be developed and implemented through the combined and correlated efforts of federal, state, local communities and private individuals and organizations.*

*(b) A comprehensive program of compulsory treatment of drug addicts is essential to the protection and promotion of the health and welfare of the inhabitants of the State as well as to discourage the violation of laws relating to the sale, possession and use of narcotics and other dangerous drugs. Drug addicts are estimated to be responsible for one-half of the crimes committed in the City of Baltimore alone and the problem of drug addiction is rapidly spreading into the suburbs and other parts of the State. This threat to the peace and safety of the inhabitants of the State must be met. Not only crime, but unemployment, poverty, loss of human dignity and of the ability to fill a meaningful and productive role in the community, as well as damage to the physical and mental health of the addict himself are all by-products of this spreading disease. The drug addict needs help before he is compelled to resort to crime to support his habit. The drug addict who commits a crime needs help to break his addiction. A comprehensive program of treatment, rehabilitation and after-care for drug addicts can fill these needs.*

*(c) Experience has demonstrated that drug addicts can be rehabilitated and returned to useful lives only through extended periods of treatment in a controlled environment followed by supervision in an after-care program. The purpose of this Article is to provide a comprehensive program of human renewal of drug addicts in rehabilitation centers and after-care programs. The comprehensive program provided by this Article is designed to assist the rehabilitation of drug addicts. It applies to addicts who are not accused of crimes, as well as addicts convicted of crimes. The program is further designed to protect society against the social contagion of drug addiction and to meet the need of drug addicts for medical, psychological and vocational rehabilitation, while safeguarding the liberty of individuals against undue interference.*

*2. Definitions.*

*As used in this article—*

*(a) "the Authority" means the Drug Abuse Authority.*

*(b) "the Center" means the Drug Addiction Rehabilitation Center.*

*(c) "the Council" means the Advisory Council on Drug Abuse.*

*(d) "drug abuse" means any misuse by any person of or dependence by any person on any drug whose use is either prohibited or regulated by Section 276, Section 313A, and Section 313B of Article 27 including, but not limited to, narcotic and non-narcotic drug addiction and narcotic and non-narcotic drug habituation.*

*(e) "drug addiction" means a physical and psychological dependence on any drug enumerated in Section 276, Section 313A, and Section 313B of Article 27.*

*(f) "drug addict" means a person exhibiting the symptoms of drug addiction or who by reason of the repeated use of any drug enumerated above is in imminent danger of becoming addicted to that drug; provided, however, that no person shall be deemed a drug addict solely by virtue of his taking of any such drug pursuant to a lawful prescription issued by a physician in the course of professional treatment for legitimate medical purposes.*

*(g) "narcotic drugs" means those drugs enumerated in Section 276 of Article 27.*

*(h) "non-narcotic drugs" means those drugs enumerated in Section 313A and 313B of Article 27.*

*3. Advisory Council on Drug Abuse.*

*(a) There is hereby created and established a council to be known as the Advisory Council on Drug Abuse, to consist of the State Superintendent of Schools, the Commissioners of Mental Hygiene, [the Director of State Department of Social Services, Corrections, Health, Labor and Industry]* Health, Labor and Industry and Correctional Services, the Director of the State Department of Social Services, the Director of the State Department of Parole and Probation, the Chairman of the State Parole Board, *the director of the Authority, and the Mayor of the City of Baltimore [or his duly designated representative] each to serve as permanent ex officio members and nine members to be appointed by the Governor from the general public. One of the members from the general public shall serve as chairman and one such member shall serve as vice-chairman upon designation by and at the pleasure of the Governor. Each of the ex officio members may designate a representative [of his department or agency] to act on his behalf [of] on the Council.*

*(b) The term of office of each of the appointive members of the Council shall be for three years, provided, however, that of the members first appointed three shall be appointed for terms which will expire on December 31, 1970; three for terms which will expire on December 31, 1971; three for terms which will expire on December 31, 1972. Vacancies shall be filled by appointment for the unexpired terms. The appointive members shall continue in office until their successors are appointed and have qualified. An appointee shall be eligible for re-appointment.*

*(c) The Council shall meet at least every third month in each year, and special meetings may be held at the call of the chairman. The Authority shall provide housekeeping, secretarial and consultant services to the Council. The Council shall submit an annual report to the Governor and the Legislature.*

*(d) The members of the Council shall receive no compensation for their services but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties as herein set forth within the amount made available by appropriation therefor. The members of the Council appointed from outside state government shall not be deemed state employees.*

*(e) The Council shall have no executive or appointive duties. It shall advise the Governor and the Authority in connection with:*

*(1) formulation of a comprehensive plan for long-range development through the utilization of federal, state, local and private resources of adequate services and facilities for the prevention and control of drug addiction, diagnosis, treatment and control of drug addicts and the revision from time to time of such plan.*

*(2) the promotion, development, establishment, coordination and conduct of unified programs for education, prevention, diagnosis, treatment, rehabilitation and control in the field of drug abuses in cooperation with other federal, state, local and private agencies.*

*(3) the evaluation of existing and planned programs and facilities administered by the Authority.*

*4. Drug Abuse Authority.*

*(a) There is hereby created in the Department of Mental Hygiene the Drug Abuse Authority. The Authority shall consist of three members who shall be appointed by the Governor with the advice of the Commissioner of the Department of Mental Hygiene, and by and with the advice and consent of the Senate. The term of office of each such member shall be for four years; provided that the members first appointed shall serve for terms of two, three, and four years, respectively, from January first next succeeding their appointment, and provided, further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed. An appointee shall be eligible for reappointment.*

*(b) The members of the Authority shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the Governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.*

*(c) The Governor may remove any member of the Authority for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the Governor in the office of the Secretary of State.*

*(d) The Governor shall designate a member of the Authority as [d] Director to serve as such during the pleasure of the Governor. The [d] Director shall direct the work of the Authority and shall be the chief executive officer of the Authority.*

*(e) The Authority shall submit an annual report to the Department of Mental Hygiene which shall be forwarded to the Governor and the Legislature and shall be made public. It shall also submit such additional reports as may be requested by the Department, the Governor, or the Legislature.*

*5. Powers and Duties of the Authority.*

*Any exercise of its powers and duties by the Authority shall be made subject to the approval of the Commissioner of the Department of Mental Hygiene.*

*The Authority shall:*

*(a) Survey and analyze the State's needs and with the advice of the Advisory Council on Drug Abuse authorized pursuant to this Article, formulate a comprehensive plan for the long-range development, through the utilization of federal, state, local and private resources, of adequate services and facilities for the prevention and control of drug abuse and the diagnosis, treatment and rehabilitation of drug abusers and from time to time revise such plan.*

*(b) With the advice of the Council promote, develop, establish, coordinate and conduct unified programs for education, prevention, diagnosis, treatment, after-care, community referral, rehabilitation and control in the field of a drug abuse, in cooperation with such other federal, state, local and private agencies as are necessary and, within the amount made available by appropriation therefor, implement and administer such programs.*

*(c) Direct and carry on basic, clinical, epidemiological, social science and statistical research in drug abuse either individually or in conjunction with other agencies, public or private and, within the amount made available by appropriation therefor, develop pilot programs. In pursuance of the foregoing and notwithstanding any other provisions of law, the Authority is empowered to establish, direct and carry on experimental pilot clinic programs for the treatment of drug addiction and of the condition of drug addicts, which programs may include the administration, under medical supervision and control, of maintenance dosages of addicting drugs.*

*(d) Provide education and training in prevention, diagnosis, treatment, rehabilitation and control of drug addiction for medical students, physicians, nurses, social workers and others with responsibilities for drug addicts either alone or in conjunction with other agencies, public or private.*

*(e) Provide public education on the nature and results of drug abuse and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.*

*(f) Disseminate information relating to public and private services and facilities in the State available for the assistance of drug abusers and potential drug abusers.*

*(g) Gather information and maintain statistical and other records relating to drug abusers and drug abuse in the State. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use those drugs enumerated in Section 2 of this Article, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense such drugs and all public officials having duties to perform with respect to such drugs or users of such drugs to report and supply such information in relation thereto as the Authority shall by rule, regulation or order require.*

*[(h) Have the power to make agreements, including but not limited to, agreements with public and private agencies, to do or cause to be done that which may be necessary, desirable or proper to carry out the purposes and objectives of this Article within the amounts made available therefor by appropriations, gift, grant, devise or bequest.]*

(h) Have the power to enter into agreements and joint financial arrangements, including but not limited to agreements and arrangements with public and private agencies, to do or cause to be done that which may be necessary, desirable or proper to carry out the purposes and objectives of this article including but not limited to construction and staffing of facilities, within the amounts made available therefor by appropriations, gift, grant, devise or bequest.

*(i) Have the power to establish and operate rehabilitation centers and such other facilities as the Authority may deem necessary or desirable for the care, custody, treatment, after-care and rehabilitation of drug addicts certified to the care and custody of the Authority pursuant to the provisions of this Article.*

*(j) Designate, or establish, maintain, and operate, medical examination or other facilities for alleged drug addicts for the purpose of determining whether such persons are drug addicts and for the purpose of providing care and custody of alleged drug addicts with respect to whom court proceedings are pending.*

*(k) Designate or establish, approve and coordinate facilities and services within the State to offer treatment, care and rehabilitation for* persons exhibiting *the effects of drug abuse, and establish and develop standards, regulations, methods of treatment, and all other conditions of hospitalization and post-hospitalization [so]* to be *employed.*

*(l) Have the power to assign or transfer any drug addict certified to its care and custody pursuant to this Article to the facilities or supervision of any department or agency of the State, or to any person, association or corporation providing facilities or services approved by the Authority pursuant to procedures prescribed by law and policies adopted by the Authority, and agreed to by the head of the department, agency, person, association or corporation to the facilities or supervision of which such drug addict is to be assigned or transferred; provided, however, that any addict so assigned or transferred shall nevertheless continue to be under the jurisdiction of the Authority [; and that no drug addict committed to the care and custody of the Authority pursuant to Section 9 of this Article shall be assigned or transferred to any correctional institution and that no addict committed to the care and custody of the Authority pursuant to Section 12 and Section 13 of this Article shall receive initial in-patient hospitalization immediately followng an order of commitment at any facility other than the Drug Addiction Rehabilitation Center.]*

*(m) With the approval of the Director of the Department of Budget and Procurement, accept on behalf of the State, any gift, grant, devise or bequest, whether conditional or un-*

conditional. All moneys so received shall be paid into the State Treasury and shall constitute a special fund to be used under the direction of the Authority for the purposes of this Article.

(n) Make rules and regulations for the exercise of its powers and the performance of its duties.

(o) Have the power to conduct private and public hearings, administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence; and the Authority may designate any of its members or any [member of its staff to exercise any such powers] other person to administer oaths and affirmations in any proceedings or hearings.

(p) Have the power to employ and at pleasure remove the Superintendent of any facility established and operated by the Authority pursuant to the provisions of this Article, and any secretary, counsel, consultants or such other personnel as it may deem necessary for the performance of its functions, and fix their compensations within the amounts made available by appropriation therefor.

(q) Prepare and submit a budget.

(r) Have and exercise all powers necessary or proper to effect any or all of the purposes of the Authority pursuant to this Article.

6. Drug Addiction Rehabilitation Center.

(a) The Authority shall [establish] provide for an institution to be known as the Drug Addiction Rehabilitation Center, which shall be reserved and devoted exclusively for the study, care, treatment, cure and rehabilitation of persons addicted to the use of drugs who are admitted thereto pursuant to the provisions of this Article.

(b) The Authority shall [acquire or construct] designate, or establish, and equip suitable buildings, structures, and facilities for the Center within the amount made available by appropriation therefor.

(c) The Authority shall establish [priorities] policies and priorities for admission to the Center among each of the methods of admission provided by this Article and shall make rules and regulations for the government of the Center and the management of its affairs. The supervision, management, and control of the Center and the responsibility for the care, custody, training, discipline, employment and treatment of the patients confined therein shall be vested in the Authority. However, the authority may delegate any or all of the responsibilities enumerated in this subsection.

7. Other Facilities for In-Patient Care.

Notwithstanding any other provisions of this Article, pursuant to rules and regulations established by the Authority, the Superintendent of any facility approved by the Authority pursuant to Section 5(k), may receive and retain therein as a patient any drug addict suitable for care and treatment who voluntarily applies therefor or, if such person be under the age of twenty-one years and unmarried and a dependent or in the legal custody of his parent, legal guardian or next of kin, such application may be made on behalf of such person by such parent, legal guardian or next of kin. If it be the judgment of the Superintendent of such public facility that it is in the best interest of any such drug addict, he may be retained therein for a period not exceeding thirty days for the purpose of care and treatment. At any time after ten days from the date of admission of any such drug addict to such public facility the Superintendent may discharge any such drug addict[,] who has recovered [or, if not recovered is not suitable for treatment in such facility.] or who is deemed not suitable for treatment in such facility[.]; however, this provision shall not preclude such patient from filing a petition pursuant to section 9 of this Article.

8. Authority-Operated Facilities Not Deemed Correctional Facilities.

Any rehabilitation center, medical examination facility, or such other facility or facilities as may be established and operated by the Authority pursuant to the provisions of this Article shall be mental hygiene facilities within the Department of Mental Hygiene and not deemed correctional facilities for any purpose.

9. Commitment to the Authority of Persons Not Charged or Convicted of a Crime.

(a) A Judge of the Supreme Bench of Baltimore City or of the Circuit Court of the various counties who has jurisdiction within the judicial district where an alleged drug addict, as defined in this Article, resides or where he may be found, may certify such drug addict in a civil proceeding to the care and custody of the Authority in the manner hereinafter provided; except that no person presently committed to the care and custody of the Authority under court order, and no person who has pending against him any criminal action or proceeding and no person presently confined in a correctional institution shall be certified to the Authority pursuant to this section.

(b) [Any person believing himself to be a drug addict, or whom an alleged drug addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest relative available or anyone who believes that a person is a drug addict may apply for an order certifying such person to the care and custody of the Authority by presenting a verified petition to the appropriate court.] Any person believing himself to be a drug addict, or the husband or wife, father or mother, brother or sister, or the child or the nearest relative of the alleged addict, or anyone residing in the same house of an alleged addict, or any physician who believes that a person is a drug addict may apply for an order certifying such person to the care and custody of the Authority by presenting a verified petition to the appropriate court.

[(b–1)] (b) (1) The petition filed pursuant to Subsection (b) shall contain the following: (i) the name, title and address of the petitioner, and his relationship to the alleged addict.

[(ii)] the name of the person who is believed to be a drug addict.]

(ii) The name, address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a drug addict.

(iii) statements supporting the belief that the person alleged to be addicted is in fact a drug addict as defined in this Article.

[(iv) the address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a drug addict.]

[(v)] (iv) a statement that the person believed to be a drug addict is in need of care, supervision and treatment on an in-patient basis.

[(b–2)] (b) (2) When such a petition is presented, the court may examine the petitioner or any witness under oath and shall determine whether there are reasonable grounds to believe that the person in whose behalf such application is made is a drug addict. If the court determines that there are reasonable grounds to believe that such person is a drug addict and if such person is not also the petitioner, it shall issue an order in accordance with subsection [(b–3)] (b) (3) of this section. When the alleged addict is the petitioner and the court determines that there are reasonable grounds to believe that such person is a drug addict, the court shall immediately proceed in accordance with subsection [(b–5)] (b) (5) of this section. The State shall be a party in all proceedings pursuant to this section and shall act on the relation of the petitioner. The State's Attorney shall represent the State.

[b 3] (b) (3) An order issued pursuant to this section shall direct the alleged drug addict to appear at a specified time before the court for a determination whether there are reasonable grounds to order him to undergo a medical examination at a facility designated by the Authority. The court shall direct that such order and petition be served upon the alleged drug addict personally or by registered mail and the court may further direct that such order and petition be served personally or by mail upon the husband or wife, father or mother, or next of kin of such alleged drug addict.

[b 4] (b) (4) If the alleged drug addict does not comply with such order, the court shall issue a warrant and shall direct any peace officer or police officer in the State commanding such officer (i) to take the alleged drug addict into custody, and (ii) to bring such alleged drug addict promptly before the court for a determination whether there are reasonable grounds to order him to undergo a medical examination at a facility designated by the Authority. The alleged drug addict shall not be subjected to any more restraint than is necessary for the purposes specified in the warrant. Such peace officer or police officer shall exhibit the warrant to the alleged drug addict, and inform him of the purpose for which he is being taken into custody. If the court is not then in session, the alleged drug addict may be held for a reasonable time at a facility designated by the Authority or at any other detention facility until such time as the court is in session. In such case, the director or head of the facility or his duly appointed representative shall advise the alleged addict of the nature of the proceeding, the reason for his detention and that he will appear before a judge at the next court session in connection with the allegation that he is a drug addict. Such person shall also inform the alleged addict that he has the right to the aid of counsel at every stage of the proceedings, and if he desires the aid of counsel and is financially unable to obtain counsel, counsel shall be assigned by the court, and that he is entitled to communicate free of charge, by telephone or letter, in order to obtain counsel and in order to inform a relative or friend of the proceeding.

[(b–5)] (b) (5) Upon the appearance of the alleged drug addict the court shall provide such alleged addict with a copy of any paper not yet served upon him and shall explain that, if the court finds reasonable grounds to believe that such person is a drug addict, it shall order him to undergo a medical examination at a facility designated by the Authority. The court shall then advise the alleged drug addict that if such medical examination is ordered he shall appear before the court after such examination as provided in subparagraph (iii) of subsection [(b–6)] (b) (6) of this subsection, and, if the petition and the report of medical examination set forth reasonable grounds to believe that he is a drug addict, he may thereafter be certified to the care and custody of the commission pursuant to subsection (e) of this section, and that he shall have a right to a hearing prior to such certification. If the alleged drug addict appears without counsel, the court shall advise him that he has the right to the aid of counsel at every stage of the proceedings and that if he desires the aid of counsel and is financially unable to obtain counsel, then counsel shall be assigned. The court shall allow the alleged drug addict a reasonable time to send for counsel and shall adjourn the proceedings for that purpose. The court shall inform the alleged addict, if he is being held in custody, that he is entitled to communicate free of charge by letter or telephone, in order to obtain counsel and in order to inform a relative or friend of the

proceeding. If the alleged drug addict does not desire the aid of counsel, the court must determine that he waived counsel having knowledge of the significance of his act. If the court is not satisfied that the alleged drug addict knows the significance of his act in waiving counsel, the court shall assign counsel.

[(b–6)] (b) (6) If after such appearance of the alleged addict, (i) the court is satisfied that there are reasonable grounds to believe that such person is a drug addict it shall issue an order directing such person to appear on a specified date and place for a medical examination in accordance with subsection (c) of this section. A copy of such order shall be given to such person and a copy of such order and of any order or warrant issued in accordance with subsections [(b–3)] (b) (3), [(b–4)] (b) (4), or [(b–7)] (b) (7) of this subsection shall be furnished to the Authority; (ii) if the court has reason to believe that such person will fail to appear for the medical examination, the order shall make provision commanding any peace officer or police officer of the State to take such person into custody and deliver him promptly to the place specified for the medical examination; (iii) any order issued pursuant to this subsection shall direct such person to appear before the court within seven days exclusive of Saturdays Sundays and holidays after his admission for the medical examination.

[b7] (b)(7) If the alleged drug addict fails to appear as directed by an order pursuant to subsection [b6] (b)(6), and the court is satisfied that timely service has been made or that service cannot be effected with due diligence, it may issue a warrant directed to any peace officer or police officer in the State commanding such officer (i) to take the alleged drug addict into custody and (ii) to bring such alleged addict promptly to a specified place for a specific purpose, which shall be the same place and purpose specified in the said order.

(c) The Authority shall establish procedures for the conduct of medical examinations pursuant to this section and shall provide for the use of accepted medical procedures and tests. Upon conclusion of the medical examination, the persons conducting such medical examination shall promptly transmit a report thereof to the court which directed the medical examination. If after reviewing such report the court is not satisfied that there are reasonable grounds to believe such person is a drug addict, it shall dismiss the petition and discharge such person. If after reviewing such report the court is satisfied that there are reasonable grounds to believe such person is a drug addict, it shall proceed as hereinafter provided.

(d)(1) The court shall promptly advise the alleged drug addict that the petition and the report of the medical examination set forth reasonable grounds to believe that he is a drug addict, shall give him a copy of the report, and explain that if he is found to be a drug addict he shall be certified to the care and custody of the Authority pursuant to subsection (e) of this section. The court shall then advise the alleged drug addict that he has a right to a hearing before the court or a jury trial as provided in this section. If the alleged drug addict appears without counsel, the court shall advise him of his right to counsel and proceed in regard thereto as provided in subsection [b5] (b) (5) of this section.

(d)(2) When no application is made for a hearing before the court or a jury trial by or on behalf of the alleged drug addict, the court shall, if satisfied that such person is a drug addict, immediately issue an order certifying such person to the care and custody of the Authority pursuant to subsection (e) of this section.

(d)(3) Upon demand of such alleged drug addict or anyone on his behalf, the court shall, or it may upon its own motion, issue an order directing the hearing of such application before the court, or if requested before a jury at a time and place specified in such order. Such order shall be served upon the parties interested in application and upon such other person as the court, in its discretion, may name. If the alleged addict or anyone on his behalf elects a hearing before the court, he shall not in addition be entitled to a jury trial. At the time and place mentioned in such order or at such other time or place as the court may designate, the court or jury shall proceed to hear the testimony introduced for and against such application, and the alleged drug addict may be examined, if deemed advisable. The court may issue subpoenas for attendance of witnesses at the hearing or trial and the alleged drug addict shall have the right to have subpoenas issued for such purpose. At the hearing or trial the alleged drug addict shall have the right to be represented by counsel, to present witnesses on his behalf, and to cross-examine witnesses. For the purpose of this section, in a proceeding in which the alleged addict's spouse is the petitioner, no communication made by the alleged addict to such spouse shall be deemed confidential within the provision of statute or other law relating to confidential communications between husband and wife. If, from the facts ascertained upon the hearing, the proofs produced, the petition, and the report of the medical examination, the jury, or, if there be no jury, the court shall determine by a preponderance of the evidence that such person is a drug addict, the court shall immediately issue an order certifying such person to the care and custody of the Authority for the period provided in subsection (e) of this section.

(d)(4) If an alleged drug addict under this section be under the age of twenty-one years [an] and, unmarried and a dependent or in the legal custody of his parent, legal guardian or next of kin, the court shall serve on such parent, legal guardian, or next of kin, copies of all orders served on the alleged addict, and the court may require the presence of such parent, legal guardian, or next of kin at any stage of the judicial proceedings under this section.

(e)(1) The duration of commitment to the Authority shall consist of the total of all periods of in-patient and out-patient care, and shall be an unspecified perod which shall commence and terminate as provided in subsection (e)(2) of this section. The court shall not fix the minimum or maximum length of the period.

(e)(2) The period shall commence on the date the order of certification is made and shall terminate upon the first to occur of (i) the discharge of such drug addict by the Authority as rehabilitated, or (ii) the expiration of a period of seven years from the date such period commenced. However, the period of the initial in-patient care received by an addict immediately following an order of commitment under this section may not exceed two years. If on the first anniversary of the order of commitment the addict is still receiving initial in-patient care, the Authority must apply for and receive an order from the committing court approving further in-patient care.

(e)(3) Whenever the Authority shall conclude that a person committed pursuant to this section is not a fit subject for rehabilitation, the Authority shall return such person to the committing court for an order terminating the commitment.

(f) Unless the alleged drug addict otherwise requests, all proceedings under this section shall be private and shall be conducted in closed sessions. The court shall order all papers made part of any proceeding under this section to be filed in the [county] appropriate clerk's office of the Supreme Bench of Baltimore City or the Circuit Court of the County, sealed, and exhibited only to the parties to the proceedings, or someone properly interested, upon further order of the court.

(g) The court may, in an appropriate case, direct the detention of an alleged drug addict in any detention facility designated by the Authority pending proceedings pursuant to this section.

10. Preservation of Rights.

The determination that a person is a drug addict and the subsequent civil commitment under Section 9 shall not be deemed a criminal conviction. No facts or results of any proceeding, examination, test, or procedure to determine that a person is a drug addict shall be used against such person in any proceeding.

11. Contriving to Have Person Unlawfully Adjudged Drug Addict: Misdemeanor.

Every person who knowingly contrives to have any person adjudged a drug addict under Section 9 unlawfully or improperly shall be guilty of a misdemeanor, punishable by a maximum $1,000 fine or a maximum of three years imprisonment or both.

12. Commitment to the Authority of Persons Convicted of a Crime.

(a) Upon conviction of a defendant of any crime in any court of this State having competent jurisdiction, if it appears to the presiding judge by any reason that the defendant may be a drug addict, and the judge elects to proceed herein, such judge shall adjourn the proceedings, suspend the imposition of sentence, and order the State's Attorney to file a petition in the Circuit Court for that judicial district instituting a civil proceeding for the commitment of the defendant to the care and custody of the Authority. However, no person may be eligible for commitment under this section if he is presently serving a sentence in a correctional institution, is awaiting sentencing on [another conviction] a conviction of a crime punishable by more than ten years imprisonment or death, except larceny, or has other criminal charges pending against him.

(b) In any commitment proceeding pursuant to this section, the provisions of subsection (b)(1) through subsection (e)(1), subsection (f), and subsection (g) of Section 9, and Section 10, and Section [10] 11 shall apply; provided, however, that any provision enumerated above which is inconsistent with any provision of this section shall not apply.

[(c) No person may be eligible for commitment under this section if he is presently serving a sentence in a correctional institution on another conviction, is awaiting sentencing on a conviction of a crime punishable by more than ten years imprisonment or death, except larceny, or has other criminal charges pending against him.]

[(d)] (c) Upon a determination that such person is a drug addict, the committing court shall certify such person to the care and custody of the Authority for a period commencing on the date the order of certification is made and terminating upon the first to occur of (i) the discharge of such drug addict by the Authority as rehabilitated, or (ii) the expiration of a period of ten years from from the date such period commenced. However, the period of the initial in-patient care received by such addict immediately following an order of commitment under this section may not exceed three years. If on the second anniversary of the order of commitment such addict is still receiving initial in-patient care, the Authority shall advise the committing court whether in-patient care should be continued. The court may then affirm the commitment or terminate it and refer the addict to the court of his criminal conviction for the resumption of the pending criminal proceedings.

[c] (d) Every drug addict certified to the Authority pursuant to this section shall receive initial in-patient [care] hospitaliza-

tion following an order of commitment *at the Center exclusively. If after sixty days following receipt at the Center of an addict committed pursuant to this section, the Authority concludes that the addict, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in the Center, the Authority shall return the addict to the committing court for termination of the commitment and referral to the court of the addict's criminal conviction for the resumption of the pending criminal proceedings.*

*[f]* (e) *A certification of a drug addict to the Authority pursuant to this section shall in no way void the criminal conviction in the court where the proceedings were adjourned to commence commitment proceedings under this section. If, at the expiration of the maximum period of commitment pursuant to this section, the Authority is unable to certify that an addict is rehabilitated, the Authority shall return such addict to the committing court for ultimate resumption of the pending criminal proceedings. In the above situation and in any instance when the Authority returns an addict to the committing court for ultimate resumption of pending criminal proceedings, such addict shall receive full credit toward the service of any sentence which may be imposed for any time spent in institutional custody from the commencement of his commitment proceedings to the date of the termination of the commitment.*

*[g]* (f) *Upon the determination that a defendant in a commitment proceeding pursuant to this section is not a drug addict, the court shall so certify and return the defendant to the court of the pending criminal proceedings for such further proceedings as that judge deems warranted.*

*13. Commitment to the Authority of Persons Serving Sentences in Correctional Institutions.*

*Upon the approval of the State Parole Board, an inmate serving a sentence in any penal or correctional institution within this State who deems himself a drug addict may institute a proceeding for commitment to the Authority by voluntarily filing a petition with the circuit court for the judicial district where such penal or correctional institution is situated. No such inmate serving a sentence for a crime punishable by more than ten years imprisonment or death, except larceny, or who has other criminal charges pending against him, shall be eligible for commitment under this section. All conditions and provisions contained in subsection (b) [and subsection (d)] through subsection [(g)] (f) of Section 12 shall apply to commitments pursuant to this section; provided, however, that where reference is made to "the court of criminal conviction" and "the resumption of pending criminal proceedings," it shall be interpreted to mean for purposes of this section "the penal or correctional institution in which the inmate was serving a sentence" and "the resumption of the unexpired sentence."*

*14. Conditional Out-Patient Release.*

*(a) Any person who is certified by court order to the care and custody of the Authority pursuant to this Article shall be conditionally released from institutional custody and receive out-patient care and services whenever the Authority determines that he has made sufficient progress to warrant such release; provided, however, that if the Authority is unable to make such determination after the expiration of the period for initial in-patient care as provided for in this Article, the Authority shall return such person to the committing court for further action pursuant to this Article.*

*(b) Whenever any patient is to be conditionally released by the Authority, the Authority shall give written notice to the committing court within ten days of the pending release.*

*(c) Any person who is conditionally released as an out-patient shall, while on release, remain in the legal custody of the Authority. The period of every such conditional release shall be a minimum of three years in which the out-patient shall comply with the rules, regulations and conditions of such release as determined by the Authority. The Authority may designate any individual, agency or group, public or private, to supervise approved after-care programs for out-patients; provided, however, that the Department of Parole and Probation shall be designated by the Authority to supervise such programs of any out-patient who was certified to the Authority pursuant to Section 12 and Section 13 of this Article.*

*(d) Upon the determination that any person conditionally released has violated any conditions of his release, the Authority may certify that such out-patient is not a fit subject for rehabilitation and order the return of such out-patient to the committing court for further action pursuant to this Article, or upon the determination of a violation of conditional release, the Authority may order the return of such out-patient to institutional care. In either of the above circumstances, the Authority, by its officers or agents, or any police or peace officer, is hereby authorized to return to its physical custody any out-patient who has violated the terms of his conditional release. The period of return to institutional care may not exceed one year, after which the Authority may conditionally release the person pursuant to the provisions of this section or return him to the committing court for further action pursuant to this Article. Whenever a person conditionally released is returned to institutional care, the Authority must give written notice to the committing court within five days of such return.*

*15. Discharge of Addict as Rehabilitated.*

*(a) If at any time the Authority is of the opinion that a person committed to its care and custody pursuant to this Article has abstained from the use of addicting drugs for at least three consecutive years while an out-patient and has otherwise complied with the conditions of his release, the Authority shall discharge such person as rehabilitated.*

*(b) Whenever any out-patient is to be discharged as rehabilitated, the Authority shall file a certificate of discharge with the committing court, at least ten days before the effective date of such discharge.*

*(c) Any person certified to the Authority pursuant to Section 12 or Section 13 of this Article who is discharged by the Authority as rehabilitated shall be returned to the committing court by the effective date of discharge. Upon such person's return, the committing court shall order the termination of the pending criminal proceedings without imposition of sentence if a commitment under Section 12, or the unconditional suspension of the unexpired sentence if a commitment under Section 13.*

*(d) Whenever any person certified to the Authority pursuant to Section 9 of this Article has not been discharged as rehabilitated by the Authority at the expiration of the maximum seven year period, the Authority shall file a certificate of non-rehabilitation with the committing court.*

*16. Available Space Required for Commitment.*

*Notwithstanding any provision of this Article, no commitment to the care and custody of the Authority pursuant to this Article shall be ordered until such time as the Authority has designated a place or places for the reception of committed persons and has certified that space is available and personnel are adequate therein.*

*17. Escape or Attempted Escape from Institutional Custody.*

*Any person committed to the care and custody of the Authority pursuant to the provisions of this Article who escapes or attempts to escape while committed to institutional custody for examination or in-patient treatment shall be guilty of a felony pursuant to Section 139 of Article 27.*

*18. Establishment of Drug Abuse Programs in Correctional Institutions.*

*The Authority may establish and maintain, in cooperation with the Department of [Correction] Correctional Services, or other appropriate correctional or penal agency, programs for the prevention and treatment of drug abuse and the rehabilitation of drug addicts in any correctional or penal institutions within this State.*

*19. Authority Approval of Facilities, Services, and Treatment.*

*(a) No facility, institution, organization or individual, private or public, shall treat any person seeking treatment for the effects of drug addiction or any form of drug abuse, or extend any treatment, service, or method of rehabilitation to any such person unless so approved and authorized by the Authority. Such approval shall be granted pursuant to rules and regulations of the Authority which shall provide for periodic review of such approval.*

*(b) An application for the approval of the Authority shall be filed with the Authority. If the Authority proposes to disapprove the application, it shall afford the applicant an opportunity to request a public hearing. If so requested, a public hearing shall be held and may be conducted by one or more members of the Authority, as the Authority shall determine.*

*20. Liability of Public Officers.*

*In the performance of acts and duties required by this Article, any member or employee of the Authority, any peace officer, health officer, physician, superintendent of an institution, State's Attorney, or other person charged with or performing such acts or duties pursuant to this Article, shall have the same immunity from liability as have other public officials.*

*21. Authorization to Release Information to the Authority.*

*All employees, agencies, boards, commissions or other bodies of the State or any of its political subdivisions, are authorized to and shall release any records, reports, statements, notes, and other information dealing with the problem of drug addiction to the Authority upon request of the Authority. This includes the release of names of individuals with drug problems.*

*22. Confidentiality of Information Assembled by the Authority.*

*(a) All records, reports, statements, notes and other information which has been assembled or procured by the Authority for purposes of research and study and which name or otherwise identify any person or persons shall be confidential records within the custody and control of the Authority, and may be used only for the purposes of research and study for which assembled or procured.*

*(b) It is unlawful for any person to give away or otherwise to divulge to a person or persons not engaged in such research and study for the Authority, any of such records, reports, statements, notes, or other information, which name or otherwise identify any person or persons. Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars ($50.00).*

*(c) Access to and use of any such records, reports, statements, notes, or other information also are protected and regulated by the provisions of Section 101 of Article 35 and Section 10 of Article 75C.*

*(d) Nothing in this section applies to or restricts the use OR publicizing OF statistics, data or other material which summarize or refer to any such records, reports, statements, notes or information in the aggregate and without referring to or disclosing the identity of any individual person or persons.*

*23. Effect of Creation of a Secretary of Health.*

*In the event that a new Department of Health* and Mental Hygiene *administered by a Secretary of Health is created by subsequent law, both that Department and Secretary shall be substituted for any reference made within this Article to the Department of Mental Hygiene and its Commissioner.*

*24. Severability Clause.*

*If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.*

*25. Any section or subsection of the Annotated Code of Maryland, and in particular Section 306B of Article 27, which are inconsistent with the provisions of this Act are hereby repealed to the extent of any such inconsistency.*

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1969.

## LET US GIVE CREDENCE AND CREDIBILITY TO OUR GOVERNMENT'S FIRM POLICY AGAINST GENOCIDE

Mr. PROXMIRE. Mr. President, genocide is a crime which has been perpetrated by man against man throughout history. Although man has always expressed his horror of this heinous crime, little or no action had been taken to prevent and punish it.

The years during World War II witnessed the most diabolically planned and executed series of genocidal acts ever before committed. This time there was to be more than mere condemnation. A feeling of general repulsion swept over the world, and following the war manifested itself in the General Assembly's resolution of December 1946. This provided the General Assembly with a legal instrument designed not only to prevent genocidal acts but also to punish the guilty.

From the first drafting of this resolution the United States played a prime and important role in promulgating the Genocide Convention. Pursuant to this resolution a draft convention on genocide was prepared by the ad hoc Committee on Genocide in the spring of 1948, under the chairmanship of the U.S. representative on this committee. The draft was again discussed by the Economic and Social Council in July and August 1948 in Geneva, and then in the Legal Committee of the General Assembly at its third regular session in Paris, where again the U.S. delegation played an important role in the formulation of the draft convention.

On December 9, 1948, the General Assembly unanimously adopted the convention to outlaw genocide, which was signed by the United States 2 days later. When signing, the United States representative said, in part:

I am privileged to sign this convention on behalf of my Government, which has been proud to take an active part in the effort of the United Nations to bring this convention into being.

The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind.

Again, the strong position of the U.S. Government for ratification of this treaty was contained in the forwarding letter from President Truman to the U.S. Senate. In this letter, President Truman said:

By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime.

But have we done anything about it? The answer is, unfortunately, "No."

This has been a matter before the Senate body since that day, June 16, 1949, and since the time that hearings were held on the Genocide Convention in 1950 no action has been taken on it. Our Government does not condone genocide; and our people do not condone genocide. Let us at last give credence and credibility to our policy against genocide by ratifying the Genocide Convention.

## THE PRICE OF PLAYING NUCLEAR ROULETTE

Mr. MONTOYA. Mr. President, in the next few weeks, it appears we will have our last precious opportunity to stabilize and head off the dangerous upward turn in the arms race through negotiation. As a cosponsor of Senate Resolution 211, which expressing the consensus of the august body of the Senate that the scheduled arms talks in Geneva can be expedited, and further that deployment of MIRV systems can be forestalled, I should like to add a few additional comments on the extreme seriousness of this vital issue.

Several months ago, the American people were greatly relieved when the Nixon administration announced that the United States would be a participant in arms control talks with the Soviet Union, to take place in the late spring or early summer of this year. However, in accordance with recent pronouncements, it seems that our negotiators will not be convening in the Geneva talks before late summer or early fall.

Apparently the reasons for the "fence-straddling" on the part of the Nixon administration, lies in the fundamental difference between the Secretary of Defense and the Secretary of State as to the Soviet intentions and evaluations of their capabilities. While the Secretary of State, Rogers, foresees that it may be possible that both the Soviet Union and the United States could abandon the ABM and MIRV, and the testing should we proceed with arms talks; Secretary of Defense Laird is playing that well known pastime now known as "nuclear roulette" in the cellars of the Pentagon. Secretary Laird's attempts to "sell" the American people on the ABM have been less than tragically successful, because public confidence in the use of ABM has been steadily eroding to almost a complete lack of confidence in both Secretaries. As a result of this, it appears that the Secretary of Defense is trying a last-ditch campaign to sell the public on the ABM project using a new approach in his public relations hard sell and that the Soviet Union is definitely going for a first-strike capability based upon this, and that we must, therefore, tie the arms negotiations to alleged political considerations and concessions in Vietnam and in the Middle East, so that progress can be achieved in all of these crucial areas.

Mr. President, while some of the finer details and nuances of Secretary Laird's line of reasoning appear to be missing now, I have, nevertheless, heard enough backfield playing to be frightened over the outcome for the citizens of our Nation. It requires little prescience to see that, in the interim, we will be induced to covertly proceed with full-speed in tests and deployment of both the ABM and MIRV. With no progress in negotiations at Geneva, Congress may be induced and yes even be stampeded to approve full funding of ABM, rather than approaching the problem of research and development of the ABM on a sane sensible approach to budgetary requirements.

It must be clear that the defect in Secretary Laird's proposals and theories is that it is always necessary and crucially important for us to control new weapons in the very early stages, while under the implications of new development and perfection of new weapons systems, proposed by both Secretaries, sensible arms control becomes impossible or at least more intricate and difficult to resolve, and therefore could bring us to the point of no return; that is, destruction of our great society.

Mr. President, for these and many other reasons it is urgent that we press forward to achieve progress in arms control toward peace. Never in history has our past and our future been brought into focus and of the utmost importance. The greatest of all errors and sheer folly would be committed if we all ignore this call to destiny.

The one-sided contrivance of Secretary Laird—even by its tone and substance—is brinkmanship to its utter extreme. What is more alarming, however, is that someone should assume the most ticklish stance in the form of international indifference and alter the dreams and hopes of many millions in reaching an agreement with the Russians on arms control. Similar actions on the part of the Russians could certainly produce similar effects on us, thereby increasing the momentum toward the building of ABM and related weapons systems in both countries which will carry us and the world to the annihilation of all mankind.

Mr. President, do we have a right to play the fool and "gambler's chance" with the future of our country and all mankind? Must we forever dance to "nuclear roulette" in the darkness of a cellar? Each of us must know that this will bring terrible things to all of those who love this Nation and this world. The share of the responsibility for such a calamity shall lie at the threshholds of those in the world who by their foolish and ill-conceived means deliberately invite an arms buildup that can plunge us all into complete annihilation.

We are slowly proving that Rousseau was right when he said that the common interest matters less to the players and actors than the peculiar advantage at which they aim. I therefore submit that

in nuclear and any other type of "gamesmanship," the game can be changed only by playing it fairly and properly by negotiation. It is necessary that the players' aim be at transforming the game. Most certainly when the "game" happens to be today's greatest and most crucial moral and political issue. The uncertainties of the "game" prevent us from knowing what it will take to bring the players away from their "cellars," however, these uncertainties should and must not deter us from wanting to reach the stage of negotiations promised us time and again, leaving us the alternative, which is total annihilation.

There is a double price one must pay for waiting until the problems appear. First, one must repair what one has failed to prevent—the price of delay—and second there is the cost of retrospective reflection when the end result is contrary to what we wish to achieve—for this is certainly to be the result when we fail to proceed right now on our promise to negotiate arms control.

Our great and honored former Vice President, Hubert Humphrey, whose name is synonymous with the ardent pursuit of great strides forward in the limiting of the spread of nuclear weapons, has clearly stated:

> The urgency of our present problem—to prevent a further round of the nuclear arms race before it is irreversibly launched—cannot wait upon the solution of political disputes that have been many years in the making—and will be many years, if not generations, in solving . . . . If we have learned anything from our experience in two decades of deadly confrontation with the Soviets, it is that uncertainty in the strategic balance produces not agreement but fear and nuclear escalation which makes agreement more difficult.

As our former Vice President also keeps telling us, patience and hard work in the past have reaped rewards in limiting the arms threat. Among his many impressive dramatic achievements he cites—during the past 8 years are:

Total disarmament has been achieved in Antarctica;

Testing of nuclear weapons has been banned in three environments;

The risk of atmospheric contamination has been halted;

Outer space has been ruled out for nuclear weapons;

Latin America has been quarantined against atomic arms;

A curb has been placed on the spread of nuclear weapons technology through the nonproliferation treaty;

Work has started on securing a second environment—the seabed—from encroachment by weapons of mass destruction;

We have offered to move toward regional arms control in Europe;

We are seeking to negotiate a program of Regional Arms Control in the Middle East;

In order to insure and verify the integrity of arms control agreements, we have developed an elaborate and effective system of detection, inspection, and surveillance.

Mr. President, so that all of us may avail ourselves of the utmost opportunity to scrutinize Mr. Humphrey's very exacting and intelligent analysis of the need for proceeding at once with arms control negotiations, I ask unanimous consent that an excerpt from an April 3 speech which he delivered in Washington, D.C., be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MONTOYA. Mr. President, I am certain that President Nixon would not knowingly allow himself to be caught up in a flood of unplanned specious reasoning. For it is vain for us to cry peace, peace on both sides of the ocean while we continue to rattle sabres and missiles, ABM's and XYZ's across the seas and in to one another's faces. Americans are rising every day in increasing numbers asking in the name of intelligence and reason in a growing dread of the perils involved by further delays in arms talks. The need for prompt and bold action in getting them underway is upon us. The day is here and mankind's technological superiority being so great that it is far ahead of our political capacity. We can overcome this by getting the coordination of our Secretaries of State and Defense and have the Nation recognize the need for us to bring about our political approach into the proper perspective and in line with our technology.

Mr. President, in our hard and unsparing efforts of the long past looking toward meaningful disarmament, we have entered into responsibilities with high resolve as brave and high-spirited people, as the legatees of this great Nation, conscious of our duty to our Nation and the world. So, it must be now, today. We cannot avoid meeting the great issues and grappling with them from day to day. We must determine now to meet them and fulfill our destiny. Perhaps Communist intransigence may foil our earnest efforts, if so we will at least be checkmating an upward spiral in the arms race. It is unforgivable for us as a nation to refuse to face this important and senseless complicated challenge.

Finally, Mr. President, I believe that a decision to proceed now with talks in Geneva—together with prompt ratification of the nuclear nonproliferation treaty now pending in the Senate—is a natural position urged by the majority of the citizens of this great Republic of ours. Such an approach will carry a message of this Nation for peace and will carry great weight with the Soviet Government as well as the nations of the world. These actions will relieve the dread of arms competition escalating, the greatest unsettler of all of the peoples of the world.

If there is one thing I wish I could have answered in my prayers, it is that we may find some way to lessen this deadly curse of arms competition so that we may meet the unfulfilled needs of our people and the world from hunger, intellectual wants, rebuilding cities; ad infinitum. High above and beyond material benefits whatever they may be, are those values giving us peace and the blotting out of all internal and international suspicions and absolute justice. There is only one thing, in my opinion, that can do this—disarmament. I cannot believe that these lofty aims are impossible. I only know, that it is necessary and I, therefore, together with others, utter my prayer to the Almighty for its fulfillment.

EXHIBIT 1

EXCERPTS FROM A SPEECH BY THE HONORABLE HUBERT H. HUMPHREY, APRIL 3, 1969

We now stand at a critical moment—a rare opportunity to break the upward spiral of strategic weaponry which has dominated U.S.-Soviet relations since the dawn of the atomic age.

We have had reason to believe for many months that the Soviet leaders are willing to begin bilateral negotiations over the control of offensive and defensive strategic weapons. Only the tragic Soviet intervention in Czechoslovakia kept these talks from beginning last fall.

I have no illusions about the difficult nature of these negotiations. When responsible leaders of great nations approach their vital security interests, they do so with great caution. I know our leaders will not agree to anything that endangers our national security. And I make the same assumption about the Soviet leaders.

But I also assume that the Soviet leaders would not lightly enter into these talks with us. If that assumption is wrong, of course, all bets are off.

But we must believe, until their actions demonstrate otherwise, that the Soviets understand the compelling reasons for ending the nuclear arms spiral—a process which is not only expensive and dangerous, but one which has become meaningless in terms of securing for either side a decisive military advantage.

We must pray that the Soviet leaders see the futility and folly of pursuing further a course which cannot possibly add either to their security or to ours, but which will instead lead all mankind closer to the brink of nuclear disaster.

It is, therefore, vitally important that we understand the urgency of beginning these bilateral talks as rapidly as possible.

I do not agree that these negotiations should await progress in settling more general political problems. The imperative of our present circumstances—that of preventing the next round in the nuclear arms race before it is irreversibly launched—cannot await the solution of political disputes many years in the making, and that will be many years, if not generations, in solving.

It is especially important that prior to the negotiations we exercise great restraint in word and action on matters relating to strategic weapons.

It is primarily for this reason that I have opposed the decision to proceed with a modified deployment of the anti-ballistic missile system. I remain unconvinced that the security. of our second-strike forces required such action at this time.

More than this, however, there remain severe questions about the efficacy of the Safeguard system in comparison to other steps which might be taken to protect our ICBMs or to strengthen our Polaris fleet—steps which would avoid moving to the next level of nuclear weapons technology.

My concern for restraint in word and action prior to U.S.-Soviet negotiations also causes me to regret very much those statements imputing to the Soviets a commitment to achieve a first-strike capability in strategic nuclear weapons.

In a world where our Polaris fleet is constantly on station, in a world where we have proceeded very far in the development of multiple independently targeted reentry vehicles, I do not believe the Soviets could seriously delude themselves into thinking a first-strike capability was possible.

These statements, moreover, necessarily arise from a series of assumptions of long-

term Soviet behavior, assumptions which by their nature can be neither proven nor disproven at this time and which remain, to say the least, a matter of considerable debate among our intelligence community.

Secretary Clark Clifford, for example, reached quite different conclusions as to the Soviet strategic posture less than three months ago. And Secretary of State Rogers clearly raised doubts about the reliability of these forecasts of a Soviet first-strike capability when he stressed the negotiability of the Safeguard system in any future arms control talks.

These forecasts of Soviet strategic intent—statements which depart markedly from earlier U.S. pronouncements—can only raise doubts in the Soviet mind about *our* strategic objectives. And we know from the past that doubt or uncertainty on either side about the strategic goals of the other has been a principal stimulus to the nuclear arms spiral.

A far more prudent course, in my opinion, would be one which avoided raising spectres of massive Soviet strategic commitments until we have determined through direct talks their actual willingness or unwillingness to decelerate the arms race. Then we will not have to speculate on such critical matters. We will know.

I trust we are wise enough to understand that within the Soviet government, as within our own, are found widely varying opinions and beliefs on the issue of strategic weapons. We must, it seems to me, be exceedingly careful not to erode through ill-considered statements or decisions the influence of those Soviet leaders who may be advocating a more rational policy of controlling the strategic arms race—those men who now seem to favor bilateral talks with the United States. For we can never doubt the Soviet Union's capacity to propel the arms race to new and more dangerous heights if saner and more rational heads do not prevail—just as the Soviets cannot doubt our ability to do likewise.

That is why our efforts must be directed toward beginning the negotiations as promptly as possible and in an atmosphere as conductive as possible to meaningful progress.

Let me also observe at this juncture: I would hope that our government would enter into these bilateral talks with a truly comprehensive proposal, one that raised all major issues for negotiation and which did not unilaterally restrict the flexibility and freedom of our negotiators.

Some people cannot conceive of the possibility that the two nuclear giants could ever reach an enforceable agreement to halt the arms race. These people may be right.

But even great powers with different values and different political and social systems share at least some areas of common interest. Manifestly the first area is a shared interest in survival.

Perhaps this does not respond to the highest ambitions of our hearts and minds. Perhaps it is no great compliment to the human race that it took nuclear weapons to teach us that lesson. But survival is an excellent place to start. It establishes the fact that the great powers today stand, in the most fundamental sense, on common ground. And from this, much that is sane and good can flow.

No doubt bilateral arms control talks with the Soviet Union will be difficult. No doubt they will take some time. More likely than not, they will have their ups and downs. But given the terrible risks to which the U.S., the Soviet Union and much of the world's populations will be exposed if the arms race proceeds unimpeded, we have the obligation—in the most profound sense of the word—to try.

Whatever we do has an element of risk—Isn't it time to take some risk for peace?

In all of this there is expectation—possibly premature but pregnant with hope for a world where the cold war is but a memory—where arms races are behind us—where peaceful engagement and reconciliation are the order of the day, East and West.

I think I know as well as any man just how hard it will be to get from here to there.

I know how many powerful traditions must be confined to history's junkyard—and how much new history must be made.

I know, too, that with all the will and all the energy we can summon, with the clearest vision and the most creative imagination, we cannot reform relations which others do not want to reform, or which they fear to reform.

But let history record that America was not the country which denied the people of this planet a chance for survival.

Let this nation boldly take the lead in working for arms control and disarmament—nuclear and conventional, global and regional—for peaceful settlement of those disputes which do arise among nations—for an atmosphere in which governments can at last devote maximum energies and resources to the needs and aspirations of their own peoples.

Let future generations read and know, that in a period of danger, uncertainty and peril—we had the extra measure of courage and character which challenged us to try.

This is the opportunity which now awaits us. I pray that we do not let it slip away. I pray that we are willing to take the risks for peace which can gradually transform the fragile balance of terror into a covenant of trust among nations.

For only as we succeed in replacing terror with trust, fear with faith, and suspicion with confidence can we expect to fashion the foundations of world order that are necessary for survival in the nuclear age.

## MR. RICHARD P. CRANE, SR., RETIRES FROM WATERBURY CITY PLAN COMMISSION

Mr. DODD. Mr. President, after 25 years of dedicated service, Mr. Richard P. Crane is retiring from the City Plan Commission of Waterbury, Conn.

Mr. Crane served as chairman of the commission for 19 years and as a member for the 6 preceding years. This was a quarter century of great change for communities all across the Nation, and Dick Crane was the person most responsible for keeping Waterbury in the mainstream of progressive civic activity.

He represents the best of the group of people in this country who give so generously of their time and of themselves to help their communities. In addition to his arduous and time-consuming work on the commission and his own business, Mr. Crane has quietly served in many other civic endeavors. I know of no one who better exemplifies the truth of the statement, "If you want a job done, give it to a busy man," than Richard P. Crane.

I ask unanimous consent to have printed in the RECORD an editorial published in a Connecticut newspaper commending Dick Crane for his 25 years of service to the city of Waterbury.

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

[From the Waterbury American, June 13, 1969]

CRANE'S RETIREMENT

Many physical changes have taken place in Waterbury during the quarter-century that Richard P. Crane has served on the City Plan Commission. Some have been favorable, while others have pointed up the city's need for new rules for orderly future development. During the 19 years that he served as chairman and the six prior years as a member of the commission, Crane has sincerely worked for betterment of the city. It has been a time-consuming task, and the many controversies involved because of the nature of the commission's work made it even more difficult.

Crane is retiring from the commission at a time when the city is in the process of acquiring the long-awaited comprehensive plan of development, and he can leave with a feeling of ease because this most important project of the commission is now being fulfilled. New commercial development in the downtown and outlying areas, the new highway system, and heavy residential developments have changed the city so extensively that new rules for traffic patterns, development and zoning are needed. The city needs to know now, more than ever before, exactly what type of development is desirable and feasible in each specific area.

One of Crane's greatest accomplishments for the city came through his leadership in efforts to get a regional airport to serve Waterbury. Although this was not a City Plan Commission project, the development of the airport can be linked directly to future progress in city development. Through the Chamber of Commerce and through his leadership in the industrial and business community. Crane fought for some 20 years for state and federal funds for construction of the airport. These efforts required an immeasurable amount of time for writing letters, making official contacts and organizing campaigns. Now the regional airport is under construction in Oxford. It will serve ultimately as a new economic stimulus for Waterbury and the surrounding area.

In seeking a successor to Crane, Mayor George Harlamon should keep in mind the important role that City Plan Commission can play in determining the city's future. He should pick a leader who has a deep interest in development and planning, who is knowledgeable about the community and who has had experience which could be helpful to the commission. This should not be a political appointment, nor should popularity determine the selection. Ability, dedication, and a deep interest in betterment of the city are the basic requirements.

Crane gave long and dedicated service to the city. His record of service on the commission will in all likelihood never be equaled again. He deserves thanks from the city for his devotion to this assignment.

## 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. A bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I may do so without losing my right to the floor.

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

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.

## ORDER FOR ADJOURNMENT

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

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

(Subsequently, the Senate modified this order to provide for the Senate to adjourn until 11 a.m. tomorrow.)

## ORDER FOR ADJOURNMENT FROM THURSDAY, JUNE 19, UNTIL 11 A.M., FRIDAY, JUNE 20, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m., Friday, June 20, 1969.

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

## ORDER FOR RECOGNITION OF SENATOR HUGHES ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Friday, after the conclusion of the prayer and the disposition of the Journal of the preceding day, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 40 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I wish to retain the floor, but with that proviso, I should like to yield to the distinguished Senator from Connecticut (Mr. DODD) for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. I appreciate the courtesy of the majority leader.

## S. 2433—INTRODUCTION OF THE FEDERAL GUN CERTIFICATION ACT OF 1969

Mr. DODD. Mr. President, I take the floor today to continue a fight I first started 8 years ago. In early 1961 I directed the Senate Subcommittee To Investigate Juvenile Delinquency to study the increasing use of firearms in America's booming crime wave. We found that thousands of deadly weapons were finding their way into the hands of America's felons, rapists, and drug addicts by mail order and by over-the-counter sales to out-of-State residents.

I introduced my first gun bill in August of 1963 and in the intervening years I implored the Congress to stop the madness that characterized the gun traffic across our State lines. Those of us on the committee who fought for interstate firearms controls had few friends during the long years between 1963 and 1968. We had held hearings and worked on the legislative solution to this problem for 7 years.

But the country was not ready for it.

Then we witnessed a series of political assassinations that shocked the Nation and the Congress.

Then we slowly began to get support for the kind of gun laws we needed.

I am grateful for the support that was received, but unfortunately it was not soon enough and it did not contribute enough.

But we did ultimately pass a good gun bill that was long overdue. The Gun Control Act of 1968 marked the first time in America's history that effective controls were put on the interstate traffic in firearms. We had successfully frozen the 200 million guns that exist in America today within the boundaries of the various States.

But we needed more. I had introduced a second bill that would have complemented the Gun Control Act of 1968 which would have enabled us to find out who owned the existing millions of guns.

But the support of the Johnny-come-latelys faded fast and my second bill died in committee. As a result, with increasing frequency we are finding out, too late, that many of these 200 million guns are possessed by assassins, robbers, and habitual drunks, those who kill and maim.

So, the problem has not yet been fully met.

The Gun Control Act of 1968 provides for interstate controls over the acquisition of firearms and let me say that I believe that those controls will effectively deter persons from acquiring firearms for misuse in those interstate channels that were formerly available to them.

I refer to the mail order and over-the-counter, nonresident sources of firearms which no longer are available to the juvenile, the criminal, and the mentally incompetent.

I cannot be content, however, to let the matter rest only half done. The problem of firearms abuse in the United States increases with each passing day and the lives of innocent Americans are snuffed out wantonly by the gun killer who now accounts for 65 percent of our Nation's murders.

Mr. President, the legislation that I introduce today provides for a Federal Certificate of Eligibility to possess any fire arm. I shall ask unanimous consent that a copy of the bill and a brief resume of its provisions be printed in the RECORD at the conclusion of my remarks.

Just as one would establish his credentials in seeking to purchase narcotic or prescription drugs, I propose that current and prospective gun owners establish their status as responsible, noncriminal citizens before being allowed to possess a gun.

Briefly this act requires that persons who possess firearms on the effective date of this firearms act obtain from the Secretary of the Treasury a certificate which would evidence their eligibility to possess firearms.

In applying for a certificate, an applicant would submit identifying information on himself and the firearms that he possessed.

A certificate would not be granted to felons, fugitives, mental incompetents, drug addicts or drug abusers, nor to dishonorably discharged veterans, illegal aliens, or citizens who renounce their citizenship.

In addition, juveniles under 18 years of age could not obtain certificates, and minors could not obtain a certificate other than for rifles and shotguns.

Ammunition could not be sold to a noncertificate holder.

With this proposal we would insure that noncriminal, responsible, mature citizens would be in lawful possession of firearms.

We obtain a license to drive an automobile without inconvenience and I see no more burden involved with respect to the obtaining of a certificate to possess firearms.

A certificate initially obtained would be valid for life, unless revoked because of the holder's falling into one of the prohibited classes by virtue of his actions.

The fee to obtain a certificate is $1, no matter how many firearms the applicant possesses.

A person purchasing a firearm from a licensed dealer would furnish a copy of his certificate and the dealer would record the certificate number and retain it as part of the records which he is now required to keep by Federal law.

Transfers of firearms between nonlicensees would be regulated and the information furnished to the Secretary.

This is certainly not unreasonable or burdensome.

I believe that such an approach is reasonable and necessary if we hope to curb crimes of violence in America.

There are an estimated 200 million guns in the hands of American citizens today and none of us really knows just who are America's gun owners.

I believe that the time has come to take a firm stand on this controversial and emotional issue.

We can no longer afford the expense of inaction.

In March the Federal Bureau of Investigation released crime statistics for 1968 and compared those figures with 1967.

Simply put, murder is up 14 percent and murder by gun accounts for 65 percent of these murders.

Aggravated assault by gun is up 24 percent, twice the overall increase in aggravated assaults.

And armed robbery has increased 34 percent over 1967.

I know that there are those who will argue that controls such as those I now propose are a State responsibility. But let us examine the inaction of the States over the last 40 years.

Less than 10 of the States now require either a license or a permit to purchase or possess a firearm and in all but three of those States, the controls are limited to handguns.

Apparently our State legislatures have not had the resources to move effective firearms controls through their legislative mills.

Perhaps the prime reason for inaction at the State level is the grass roots lobbying of the National Rifle Association, which for as long as I can remember has opposed State and local efforts to enact effective controls over the purchase and possession of firearms.

Unfortunately, I believe, the combined efforts of the National Rifle Association and the gun industry have succeeded over the years and the result is the current gross lack of firearms controls in the majority of our States.

For almost a year a committee of the Connecticut Legislature had worked on a drafting of firearms legislation to strengthen Connecticut's gun laws. Their efforts were intended to bring about a measure of control that would not infringe upon the rights of responsible citizens, but which would be effective, enforceable and meet the needs of the State.

I appeared before that committee last August and again in May of this year to give them the benefit of my experience with the gun control issue over the last 8 years. I was convinced that their efforts were in the best interest of Connecticut's citizens including her sportsmen.

The legislative approach that was reasoned out was objective and would have been effective, if enacted. However, in the waning days of the legislative session, a full-scale, all-out campaign was waged by the Connecticut gun industry to defeat the legislation and that effort signified, in my judgment, its death knell.

Lengthy advertisements were taken in Connecticut newspapers by the gun industry and those advertisements purported to analyze the provisions of the bill that the Judiciary Committee had recommended to the legislature.

It goes without saying that those advertisements, sponsored by the gun industry were instrumental in the overall effort to kill the gun bill to which so much time and effort had been devoted in Connecticut.

The self professed voice of the "public interest," the gun industry, the gun nuts and the so-called sportsmen again prevailed due in large measure to the fact that the majority of the people of Connecticut, who in fact favor enactment of reasonable, enforceable, and effective controls had no concerted voice to present their support for the bill.

Needless to say, Connecticut's proposed firearms legislation was killed and the tireless efforts of her concerned legislators went for naught.

This same scene is repeated throughout the country every time State or local officials proposed firearms controls. Only the cast of characters changes from State to State.

Until the terrible assassinations of 1968, the irresponsible and unwarranted actions of a few have undermined the efforts of the majority tc work its will. And by any reading of the public pulse, effective gun controls such as those I discuss today are supported by the vast majority of our ctizens.

This is abundantly clear, yet the inability of the majority to present a united and concerted supportive effort, as the gun lobby has done in its opposition, has resulted in the failure of the majority of our State legislatures to enact effective gun controls.

In my judgment the reasonable alternatives to State inaction is Federal action under the commerce powers of the Constitution to provide these necessary and proper firearms controls, so that the safety and well-being of all of our citizens can be secured and assured.

As with all of the gun bills that I have proposed in the last 6 years the inclusion of rifle and shotgun controls will be a major area of controversy.

During debate on the Gun Control Act of 1968, the public was browbeaten with the sporting weapon argument. It was told that firearms would be confiscated, that the hunting and shooting sports would wither and die.

The phony arguments were repeated ad nauseam.

None of these things has come to pass. Nor are they likely to. Quite the opposite has been true for the hunter and sportsman. There has been an increase in both categories and there is every reason to believe it will continue.

The sportsman is not and has never been a threat. A gun in the hands of a true sportsman never has been a problem.

It is the guns that got into the hands of the others on the ruse that they were sportsmen while the lobby swayed public opinion that are plaguing us today.

With tight restrictions on handguns, murders and bank robberies with long guns are on the increase.

In civil unrest the authorities now find the culprits armed all too often with sporting weapons and sophisticated foreign military surplus rifles piled into this country by the gun runners during the years they fought the legislation that would keep them out.

Inflamed students no longer show the restlessness and frustration that is a part of their student days with annual spring panty raids. They now arm themselves, take over university buildings, assault professors, and destroy the educational facilities.

They have answered the call to arms issued by the gun runners in exploiting unrest solely to increase gun sales.

The warnings issued by both me and my colleagues in 1963, 1964, 1965, 1966, and 1967 went unheeded.

It has all come to a regrettable end.

The very hallmark of civilization, education and the university, is being torn apart by boys with guns. Reason, persuasion, and the democratic process have given way to the primitive philosophy of the frontier that a good gun is better than a good argument.

It seems some of them think they can go out and shoot themselves an education with an old fowling piece, some used hardware junked by a foreign army years ago, or a pot metal pistol not good enough for straight shooting but just bad enough to kill.

Things could get worse if we do not do something to make them better.

It is difficult for reasonable men to comprehend the fierce objections of the gun lobby to these controls.

Certainly rifles and shotguns are sporting weapons.

But they are also deadly weapons.

The rifle and shotgun in the wrong hands are tools of violence.

There is not a day that goes by in the United States that does not witness holdups or armed robberies with either a rifle or shotgun as one of the weapons used by the perpetrators.

All one has to do is glance at the daily newspapers of the Nation. Mass carnage and maimings seem to be the order of the day especially with regard to our sporting rifles and shotguns.

The following headline of early January set the tempo for recent months: "Slayer of Four, Cornered, Kills Himself." A .22 caliber semiautomatic rifle was used in this mass murder.

Another headline in April vividly summarized another bizarre mass killing. "Pennsylvania Turnpike Sniper Slays three, Wounds 18, and Kills Self." A high-powered rifle was the instrument of death in these senseless killings.

Scenes of killings and woundings have been repeated virtually every week in this country since the first of the year.

A man in Milwaukee, Wis., went on a shooting spree in a factory from which he had been fired and wounded or caused injury to 14 persons. Fortunately his spree with a shotgun did not result in a mass murder, but he was eventually killed by the police.

In another instance within the last 2 weeks a Nebraskan, armed with a .22 caliber rifle, embarked on a reign of terror which resulted in the wounding of seven people.

There is no area of the country that has not experienced the abuses to which I have just referred. Our gun problem is not confined to any one large metropolitan area nor to a score of them. Rather our problem of firearms abuse in America is nationwide and if we are to curb it, then we must apply firearms controls that are uniform and nationwide in scope.

The lives and property of decent, law abiding Americans are threatened each day by gunmen armed with these so-called sporting weapons and I believe that it is time that we make an all-out effort to curb these acts of violence.

What I propose in this bill would not seriously inconvenience the law abiding citizen. It would require that he apply for a certificate of eligibility to possess a firearm.

It would vest the regulatory authority with the Secretary of the Treasury and would require that he issue a certificate to any person who does not fall within the prohibited class.

What I am proposing is that we provide additional tools to implement and enforce the Gun Control Act of 1968.

That act makes it unlawful for a Federal licensee to sell a gun to a felon, or a fugitive or a drug abuser or a mental incompetent. But it does not require that the licensee take any positive action to

determine whether the purchaser is in one of the prohibited classes.

However, if a purchaser possesses a certificate of eligibility to buy guns, as my new bill requires, then the dealer is secure in the knowledge that he has made a lawful sale.

If a prospective purchaser does not have a certificate, then the dealer could not sell to him lawfully.

This is simple, expedient and effective.

In view of the current crime picture in this country, I see no other alternative than to press for the enactment of the type of Federal controls contained in my proposed "Federal Gun Certification Act."

If these controls are enacted, they will work and they will reduce gun crimes in America.

If experience under a gun law is any yardstick of its measure of success, let me cite a recent and most graphic example.

Toledo, Ohio, recently enacted a tough local firearms ordinance.

Toledo is a city that is just 1 hour's drive from Detroit, Mich.

At one time, before the enactment of the Gun Control Act of 1968, Toledo and its gun runners were a major source of guns for Detroit's criminal element.

Not long ago, Toledo was a wide-open city. There were virtually no restrictions on sale of firearms, as was the case throughout the State of Ohio. One store alone supplied 7,000 guns to residents of the Detroit area in the year following the riot in that city and 90 out of every 100 crime guns in Detroit came into that city from Ohio.

Toledo passed a tough city gun permit ordinance that went into effect at about the same time as the Gun Control Act of 1968. The result was that the traffic in Toledo guns to Detroit has dried up almost completely, most of the gun shops engaged in the firearms traffic across the State line have disappeared and the gun crime rate in Toledo dropped dramatically.

This is a classic case of local and Federal law working hand in hand.

In the first 8 months following the effective date of the Toledo permit ordinance, when compared with the 8 months previous;

Murders by handguns dropped 58 percent;

Armed robberies with pistols and revolvers decreased 43 percent; and,

Aggravated assaults with handguns decreased 49 percent.

Such facts need no elaboration.

Their message is clear.

Good gun laws do help reduce and prevent gun crimes.

Mr. President, the Senate should, in my judgment, heed this message and get on with the task of providing those necessary and proper controls over the sale and possession of firearms, under the commerce powers of the Constitution, so that American lives will not be taken needlessly in our homes and on our streets.

Mr. President, I introduce the bill for appropriate reference and ask unanimous consent that a letter dated May 16, 1969, from John J. Burkhart, chief counsel, department of law, city of Toledo, Ohio, be printed in the RECORD at this point. The letter outlines in detail the success of the Toledo Handgun Ordinance. I also ask unanimous consent that a summary of the bill and the text of the bill itself be inserted in the RECORD at this point.

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

The bill (S. 2433) to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a certification for the possession of firearms, and for other purposes; introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2433

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Gun Certification Act of 1969".

SEC. 2. (a) Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

"CHAPTER 44A—CERTIFICATION OF FIREARMS

"SEC.

"931. Definitions
"932. Certification of Firearms Owners
"933. Form and Manner of Obtaining Certificate
"934. Collection of Firearms Transfer Information
"935. Unlawful Acts
"936. Penalties
"937. Compensation for Firearms Sent to the Secretary; Periods of Amnesty
"938. Disclosure of Information
"939. Administration
"940. Exceptions

"SEC. 931. DEFINITIONS

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but such term does not include a firearm as defined in chapter 53 of the Internal Revenue Code of 1954, or an antique firearm as defined in section 921 of this title.

"(2) The term 'Secretary' means the Secretary of the Treasury or his delegate.

"(3) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of this title.

"(4) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(5) The term 'purchase' means to buy or otherwise acquire ownership.

"(6) The term 'sell' means give, bequeath, or otherwise transfer ownership.

"(7) The term 'possess'' means asserting ownership or having custody and control, and such term does not include (A) possession by a common or contract carrier licensed pursuant to the law of any State or of the United States engaged in the lawful transportation of a firearm, or (B) possession of a firearm for a lawful purpose which is occasional, brief, and subject to immediate termination upon the demand of a person who claims legal title or rightful possession.

"(8) The term 'transfer' means to sell, assign, pledge, lease, loan, bequeath, give away, or otherwise cause the lawful title or rightful possession of a firearm to vest in another.

"(9) The term 'transferor' means a person who transfers, and the term 'transferee' means a person in whom the lawful title or rightful possession of a firearm vests when a transferor transfers a firearm, except that neither the term 'transferor' nor 'transferee' applies to a person who claims lawful title or rightful possession of a firearm as (A) a common or contract carrier licensed pursuant to the law of any State or of the United States engaged in the lawful transportation of such firearm, or (B) a transferee whose possession of such firearm is for a lawful purpose and is occasional, brief, and subject to immediate termination upon the demand of a person who claims legal title or rightful possession.

"(10) The term 'Certificate' means a Federal Certificate of Eligibility to Possess a Firearm.

"(11) The term 'crime punishable by imprisonment for a term exceeding one year' does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemanor and punishable by a term of imprisonment of two years or less.

"(12) The term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(13) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"Sec. 932. Certification of firearms owners.

"(a) Each person who possesses any firearm on the effective date of this chapter shall within 120 days following such date, unless he sooner sells such firearm, obtain a certificate in accordance with the provisions of this chapter.

"(b) Each person who purchases a firearm after the effective date of this chapter shall within 120 days after such date or prior to such purchase, whichever is later, obtain a certificate in accordance with the provisions of this chapter.

"Sec. 933. Form and Manner of Obtaining Certificate

"(a) Each person desiring to obtain a certificate shall file an application with the Secretary. Each such application shall be in duplicate and in such form as the Secretary shall prescribe, and shall include at least the following information:

"(1) the name, address, date and place of birth, and social security or taxpayer identification number of the applicant;

"(2) the name of manufacturer, the caliber or gage, the model and the type, and the serial number of any firearm possessed by the applicant;

"(3) the name and address of the transferor from whom the firearm was or is to be acquired and the date and place of the transfer; and

"(4) the date on which the application is made.

"(b) The original application shall be signed by the applicant and filed with the Secretary, together with a fee of $1, either in person or by certified mail, return receipt requested. The Secretary shall prescribe convenient locations for the filing of such

applications. The duplicate shall be retained by the applicant. A duplicate of an application shall be temporary evidence of eligibility to possess a firearm for a period of 90 days from the date appearing on such application, unless such application is sooner denied.

"(c) Upon filing a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant a certificate which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle such applicant to possess a firearm, except that the Secretary shall deny a certificate to any applicant—

"(1) who is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954);

"(4) who has been adjudged a mental defective or who has been committed to any mental institution;

"(5) who in the case of a rifle or shotgun, is less than eighteen years of age, or in the case of any other firearm, is less than twenty-one years of age; or

"(6) who has been dishonorably discharged from the Armed Forces;

"(7) who, having been a citizen of the United States, has renounced his citizenship; or

"(8) who, being an alien, is illegally or unlawfully in the United States.

The Secretary shall number each Certificate issued by him under this chapter.

"(d) The Secretary shall approve or deny an application for a Certificate within 90 days from the date appearing on such application.

"(e) The Secretary is authorized to make necessary arrangements for the revocation of any Certificate issued under this section if the holder is subsequently determined to be ineligible to possess a firearm pursuant to subsection (c) of this section.

"(f) Any person whose application for a Certificate is denied and any holder of a Certificate which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the Certificate was revoked.

"Sec. 934. Collection of firearms transfer information.

"(a) Each licensed dealer who sells or delivers a firearm, after the effective date of this chapter, to any person, other than another licensed dealer, shall obtain from such person his Certificate or temporary evidence of eligibility and shall record the number of the Certificate or date appearing on the temporary evidence of eligibility as part of the records required to be kept by such dealer pursuant to section 923(g) of this title.

"(b) Each person, other than a licensed dealer, who transfers a firearm, after the effective date of this chapter, shall forward to the Secretary within 5 days from the date of such transfer the following information:

"(1) the name and address and the number of the Certificate of the transferee;

"(2) the name of the manufacturer, the caliber or gauge, the model and the type, and the serial number of the firearm; and

"(3) the name and address and Certificate number of the transferor and the date and place of the transfer.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and recording during the term of such pledge or pawn the Certificate number of the person from whom he has taken or received the firearm. If such pledge or pawn is not redeemed the dealer shall within 5 days notify the Secretary and inventory the firearm in his own name as part of the records required to be kept by section 923(g) of this title.

"(d) The executor or administrator of an estate containing a firearm shall promptly notify the Secretary of the death of the Certificate holder and shall, at the time of any transfer of the firearm, return the Certificate to the Secretary. The executor or administrator of an estate containing any firearm held by an ineligible person shall promptly relinquish the firearm, without penalty for any prior failure to comply with the provisions of this chapter.

"(e) A certificate holder who possesses a firearm shall within 10 days notify the Secretary of his change of address or of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm without requiring the purchaser to exhibit a Certificate or temporary evidence of eligibility and noting the Certificate number or date appearing on the temporary evidence of eligibility on the records required to be maintained by the dealer pursuant to section 923(g) of this title.

"(g) The provisions of subsections (a) and (b) of this section apply to purchases and transfers of firearms otherwise exempted under section 940(5) of this chapter.

"Sec. 935. Unlawful Acts

"(a) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954);

"(4) who has been adjudged a mental defective or who has been committed to any mental institution;

"(5) who, in the case of a rifle or shotgun, is less than 18 years of age or in the case of any other firearm is less than twenty-one years of age;

"(6) who has been dishonorably discharged from the Armed Forces;

"(7) who having been a citizen of the United States has renounced his citizenship; or

"(8) who being an alien is illegally or unlawfully in the United States to possess a firearm.

"(b) It shall be unlawful for any person to possess or purchase any firearm without a Certificate or a valid application for such a Certificate.

"(c) It shall be unlawful for any person to transfer any firearm to any other person who does not possess a Certificate or a valid application for such a Certificate.

"Sec. 936. Penalties.

"(a) Whoever violates any provision of sections 932, 934, and 935 shall be punished by imprisonment not to exceed 2 years, or by a fine not to exceed $2,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any Certificate or temporary evidence of eligibility, shall be punished by imprisonment not to exceed 5 years or a fine not to exceed $10,000, or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or Certificate required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application containing the information or evidence.

"Sec. 937. Compensation for firearms sent to the secretary; periods of amnesty.

"(a) Any person (1) who lawfully possessed a firearm prior to the operative effect of any provision of this chapter and who becomes ineligible to possess such firearm by virtue of such provision, or (2) whose Certificate is revoked under this chapter, shall surrender such firearm to the Secretary and shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"(b) The Secretary may declare such periods of amnesty for the voluntary relinquishment of firearms as he determines will carry out the objectives of this chapter.

"(c) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"Sec. 938. Disclosure of information.

"Information contained on any certificate or application therefor shall not be disclosed except to the National Crime Information Center established in the Department of Justice, and to law enforcement officers requiring such information in pursuit of their official duties.

"Sec. 939. Administration.

"(a) The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.

"(b) When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this chapter.

"(c) In order to carry out his responsibilities under this chapter, the Secretary is authorized to obtain the most modern and efficient automatic data processing equipment for the collection, storage, and retrieval of information received by him.

"Sec. 940. Exceptions.

"The provisions of this chapter shall not apply to the possession, purchase or transfer of any firearm by or to (1) the United States or any department or agency thereof, (2) any State or political subdivision of a State, or any department or agency thereof, (3) any civilian officer or employee of the United States, a State, or any political subdivision thereof, in his official capacity, (4) any member of the Armed Forces of the United States or the National Guard of any State, in his official capacity, (5) a resident of a state if (A) the Secretary has determined that such State has enacted legislation of general applicability requiring firearms certification comparable to the firearms certification under this chapter and has published the name of such State in the Federal Register, and (B) such resident furnishes at the time of purchase or transfer of a firearm proof of compliance with such State certification, or (6) except as specifically provided by this chapter, any licensed dealer."

(b) The table of contents to "Part I. Crimes" of title 18, United States Code, is amended by inserting after

"44. Firearms ---------- 921

a new chapter reference as follows:

"44A. Certification of Firearms------- 931".

SEC. 3. The provisions of chapter 44A of title 18, United States Code, as added by section 2(a) of this Act, shall take effect upon enactment except that sections 934 and 935 shall take effect 120 days after such date of enactment.

The summary of the bill, presented by Mr. DODD, is as follows:

BRIEF SUMMARY OF THE PROVISIONS OF SENATOR DODD'S PROPOSED "FEDERAL GUN CERTIFICATION ACT"

1. The bill provides that a person who possesses a firearm on the effective date of the Act obtain within 120 days (unless he elects to sell the gun), a "Federal Certificate of Eligibility to Possess a Firearm".

2. It provides that a person who purchases a firearm must obtain a Certificate prior to such purchase.

3. In applying for a Certificate the applicant must submit the following information to the Secretary of the Treasury:

(a) Name, address, date and place of birth, social security or taxpayer identification number of applicant;

(b) Name of the manufacturer, the caliber or gauge, the model and the type and serial number of any firearm;

(c) Name and address of the person from whom the firearm was or is to be obtained and the date and place of the transfer; and,

(d) Date on which the application was made.

4. The application for a Certificate is valid as temporary evidence of eligibility to possess a firearm for a period of 90 days unless it is rejected by the Secretary because of the applicant's status in one of the following classes of proscribed persons:

(a) A person under indictment for or convicted of a crime punishable by a term of imprisonment exceeding one year;

(b) A fugitive from justice;

(c) An unlawful user of or addicted to marihuana, a depressant or stimulant drug or a narcotic drug;

(d) An adjudged mental defective or a person committed to a mental institution;

(e) In the case of a rifle or shotgun, a person under 18 years of age and in the case of all other firearms a person under 21 years of age;

(f) A person dishonorably discharged from the Armed Services;

(g) A person, who having been a citizen of the United States, renounces his citizenship; and,

(h) An alien who is illegally or unlawfully in the United States.

5. None of the above classes of persons in Item 4 may lawfully possess a firearm.

6. The Secretary is given the authority to revoke a Certificate if the holder subsequently falls into one of the classes outlined in Item 4.

7. In sales or deliveries of firearms involving Federally licensed dealers, the transaction would be lawful if made to a Certificate holder and the transaction would be recorded by the dealer and the information including the Certificate number retained in his records.

8. All private transfers of firearms would be regulated in the following manner:

(a) The transferor within five days would be required to forward to the Secretary the following information:

(1) Name, address and Certificate number of the transferee;

(2) Identification of the gun (as in 3(b) above); and,

(3) Name, address and Certificate number of the transferor and the date and place of the transfer.

(b) Lawful transfers could only be made between Certificate holders.

9. A licensed dealer may not sell ammunition to a non-Certificate holder.

10. Unlawful acts include possession or purchase without a Certificate, transfer or sale to a non-Certificate holder and possession by one of the classes of proscribed persons outlined in 4(a) through (h).

11. General penalties prescribed are: 2 years maximum imprisonment and $2,000 in fines, or both. Penalties for furnishing false information to avoid complying with the Act's provisions are 5 years maximum imprisonment or $10,000 in fines, or both.

12. Exceptions: Residents of states with comparable firearms certification systems are exempted provided that they furnish proof of state certification to a licensed dealer when so required by the Act's provisions.

The letter, presented by Mr. DODD, is as follows:

CITY OF TOLEDO, OHIO,
DEPARTMENT OF LAW,
*May 16, 1969.*

HON. WILLIAM C. MOONEY,
*Chief Investigator, U.S. Senate, Juvenile Delinquent Subcommittee, Old Senate Office Building, Washington, D.C.*

DEAR MR. MOONEY: I am enclosing herewith a copy of Toledo's Gun Control Ordinance, adopted August 12, 1968, and also a summary of offenses involving handguns from August, 1967, through March 1969. This summary of offenses with handguns was prepared by the Bureau of Identification of the Department of Police of the City of Toledo and was prepared with the use of the computer system of Toledo.

I am also enclosing a copy of the Toledo Police Department monthly report for March, 1969, bearing the signature of Anthony Bosch, Chief of Police of the City of Toledo.

The summary of offenses involving handguns shows some startling things. If you compare the eight months preceding the adoption of Toledo's Handgun Ordinance in August of 1968 with the eight month period following the passage of our handgun ordinance, you will find the following:

MURDERS

From December, 1967, through July, 1968, there were 20 murders, 12 of which were committed with handguns.

From August, 1968, through March, 1969, there were 9 murders committed, 5 of which were committed with handguns.

This represents a decrease in the total number of murders committed from August, 1968, through March, 1969, of 55% and for the same period the murders committed by handguns decreased 58.34%.

ROBBERIES

From December, 1967, through July, 1968, there were 778 robberies, 222 of which were committed with handguns.

From August, 1968, through March, 1969, there were 537 robberies committed, 127 of which were committed with handguns.

This represents a decrease in the total number of robberies committed from August, 1968, through March, 1969, of 30.98% and for the same period the robberies committed by handguns decreased 42.79%.

AGGRAVATED ASSAULTS

From December, 1967, through July, 1968, there were 293 aggravated assaults committed, 109 of which involved the use of handguns.

From August, 1968, through March, 1969, there were 242 aggravated assaults committed, 55 of which involved handguns.

This represents a decrease in the total number of aggravated assaults committed from August, 1968, through March, 1969, of 17.41% and for the same period the aggravated assaults committed involving handguns decreased 49.09%.

CARRYING CONCEALED WEAPONS

From December, 1967, through July, 1968, there were 101 offenses of carrying concealed weapons committed, 79 of which involved handguns.

From August, 1968, through July, 1969, there were 90 offenses of carrying concealed weapons committed, 57 of which involved hand guns.

This represents a decrease in the total number of carrying concealed weapons offenses committed from August, 1968, through March, 1969, of 10.90% and for the same period the carrying concealed weapons offenses involving handguns decreased 27.85%.

I think you will agree with me that these figures are startling in view of the rising crime rate throughout our country. While we make no claim that Toledo's decreasing crime rate is the sole result of the handgun ordinance, we nevertheless feel that the passage of that ordinance has played a most important part in the success we have had in our town in fighting crime in the streets.

Other factors are involved. We have increased the size of our police force. We have had full cooperation with the courts in the prosecution of offenders, and we have had a vigorous crime enforcement program going on by our police department for some time.

The City of Toledo has issued approximately 15,000 plus identification cards to applicants under the handgun ordinance. There have been only 40 rejections of applications, mainly on the basis of histories of mental illness. The balance were rejected for criminal records, which made the applicant ineligible.

There have been 48 prosecutions of violations of the handgun ordinance and 48 convictions. The average penalty assessed is $150.00 plus 90 days in jail.

The newspapers, and television and radio stations have been extremely cooperative and enthusiastic in their support of the Toledo ordinance. They have given full publicity to the statistics and details of convictions and results of trials. I think that this has played a major role in Toledo's success. The word has gone out that if you are caught with a gun on the streets of Toledo you are going to go to jail.

At the present time there are several bills pending in the General Assembly of the State of Ohio and hearings have commenced on them wherein a similar law is being proposed for the state of Ohio. We just recently testified in behalf of such a bill and we are running into the usual opposition of the National Rifle Association, which is very strong in our state. Anything you or your committee can do to help us pass an effective statute in Ohio will be more than appreciated.

The particular bill in question is House Bill #184 and is now pending in the House Judiciary Committee. I am enclosing a copy of the bill for your information. There are several things in the bill which we think need to be strengthened or clarified but the bill has had only its first hearing and if it is voted out of committee, it will undoubtedly be greatly modified and changed to where you won't recognize the original bill.

If you have any thoughts on the matter, we would appreciate it if you would convey them to us so that we can pass this information along to the Judiciary Committee with whom we have a good working relationship.

If there is anything you need or want from us, please don't hesitate to call upon us. We would like to have you come to Toledo to see for yourself our operation under Toledo's handgun ordinance. We have established an office called the "Office of Gun Control" with a full time staff for the processing of applications. The Police Department has maintained good records and does as much as it can to investigate the applicants before applications are approved.

Our only problem is that our jurisdiction ends at the city limits and the gun dealers outside the city over whom we have no control are doing a landoffice business. This is where the need for statewide control legislation is so apparent to us, but it is not so apparent to some members of the House Judiciary Committee.

Please feel free to call us at any time.

Sincerely,

JOHN J. BURKHART,
*Chief Counsel.*

TOLEDO POLICE DIVISION

| | Monthly report | | | | Year to date | | | | March 1969 total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | March 1969 | | March 1968 | | 1969 | | 1968 | | 1968 | |
| | Offenses | Clearances | Offenses | Clearances | Offenses | Clearances | Offenses | Clearances | Offenses | Clearances |
| Murder, nonnegligent manslaughter | | 100.0 | 4 | 100.0 | 3 | 100.0 | 10 | 70.0 | 22 | 72.7 |
| Negligent manslaughter, auto | 2 | 50.0 | | | 6 | 50.0 | 3 | 166.6 | 16 | 106.3 |
| Rape, force only | 5 | 80.0 | 11 | 63.6 | 17 | 47.1 | 29 | 75.9 | 86 | 77.9 |
| Robbery | 49 | 20.4 | 103 | 32.0 | 164 | 23.8 | 302 | 34.4 | 1,027 | 28.1 |
| Aggravated assault | 26 | 92.3 | 24 | 70.8 | 78 | 89.7 | 107 | 80.4 | 419 | 84.5 |
| Burglary, breaking and/or entering | 257 | 29.2 | 376 | 23.4 | 741 | 24.3 | 1,002 | 27.4 | 3,631 | 30.4 |
| Larceny, $50 and over value | 268 | 17.2 | 196 | 14.8 | 812 | 14.7 | 529 | 14.0 | 2,763 | 14.0 |
| Larceny, under $50 value | 558 | 25.4 | 608 | 33.1 | 1,474 | 26.3 | 1,587 | 29.0 | 8,369 | 25.0 |
| Auto theft | 118 | 61.0 | 106 | 22.6 | 377 | 39.8 | 359 | 21.7 | 1,424 | 35.0 |
| Total, class No. 1 offenses and attempts | 1,283 | 29.2 | 1,428 | 28.2 | 3,672 | 26.1 | 3,928 | 28.3 | 17,757 | 27.2 |

| | Number |
|---|---|
| Safety director | 3 |
| Chief's office | 10 |
| City manager's office | 1 |
| Deputy chief, detectives | 3 |
| Deputy chief, police | 1 |
| Captain, academy | 3 |
| Deputy chief, identification and records | 3 |
| Deputy chief, traffic | 3 |
| No. 1 station | 1 |
| Crime prevention bureau | 3 |
| Dispatchers office | 2 |
| City journal office | 1 |
| Prosecutor's office | 2 |
| Toledo Blade | 1 |
| Civil service commission | 1 |
| Toledo Municipal League | 1 |

| | Number | Percent |
|---|---|---|
| Serious offenses reported: | | |
| March 1969 | 723 | |
| March 1968 | 820 | |
| Down | 97 | −11.8 |
| 3 months, 1969 | 2,192 | |
| 3 months, 1968 | 2,338 | |
| Down | 146 | −6.2 |
| Total offenses reported: | | |
| March 1969 | 1,283 | |
| March 1968 | 1,428 | |
| Down | 145 | −10.2 |
| 3 months, 1969 | 3,672 | |
| 3 months, 1968 | 3,928 | |
| Down | 256 | −6.5 |
| Clearances: | | |
| March 1969 | 29.2 | |
| March 1968 | 28.2 | |
| Up | | +1.0 |
| 3 months, 1969 | 26.1 | |
| 3 months, 1968 | 28.3 | |
| Down | | −2.2 |
| High police districts: | | |
| Unit 11 | 102 | |
| Unit 12 | 96 | |
| Unit 9 | 87 | |

## 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.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The question is on agreeing to the committee amendment beginning on page 70, which the clerk will state.

The bill 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 th 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, or 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. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum; and I ask unanimous consent that I be recognized thereafter.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## S. 2440—INTRODUCTION OF THE VETERANS HOUSING ACT OF 1969

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend the expanded veterans direct home loan program under section 1811 of title 38 of the United States Code.

I think that the whole problem of how to deal with returning veterans is now coming into focus again, with the announced withdrawal of 25,000 American troops from Vietnam, and further withdrawals which seem to me to be clearly indicated. Even without that reduction in Vietnam troops, over 1 million GI's will be returning to civilian life this year at the rate of approximately 90,000 a month and, therefore, we must take a close look at what is happening to them.

I am glad to see that the occupant of the chair at the present moment is the Senator from California (Mr. CRANSTON) who is now conducting a series of hearings on a very important phase of this particular matter of veterans' rehabilitation.

There are three measures in which I have joined, one of which I am introducing today and the others I have introduced before.

The one today would increase the availability of GI home loans by expanding the authority of the Veterans' Administration to make direct loans. There has been at least a 50-percent falloff because of high interest rates and the unavailability of credit in the amount of veterans' loans which have been made this year.

Mr. President, it seems to me that we must do our utmost to correct that situation.

Also, I have introduced a Veterans' Administration Relocation Assistance Act of 1969 to help veterans find jobs, which I cosponsored with the Senator from Texas (Mr. YARBOROUGH). Also an increase in the education benefits available to returning veterans, which is

in a series of bills now being considered under the chairmanship of the Senator from California (Mr. CRANSTON).

I wish to point out the essentiality of seeing all of these three matters, so far as veterans are concerned; jobs, housing, and education. The veteran is entitled to the social and economic benefits which he has been denied by virtue of withdrawing from ongoing activities and giving his life as well as his time to the Armed Forces of the United States.

We should get back, in return, greater national stability, if we do the right thing by our returning veterans.

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

The bill (S. 2440), to amend and expand the veterans' direct home loan program under section 1811 of title 38, United States Code, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Banking and Currency.

## S. 2446—INTRODUCTION OF THE HUMANE LABORATORY ANIMAL TREATMENT ACT OF 1969

Mr. JAVITS. Mr. President, I introduce for myself and Senators BROOKE, COOPER, COTTON, GURNEY, KENNEDY and MCINTYRE, the Humane Laboratory Animal Treatment Act of 1969. It is the purpose of this bill to provide for the humane care, handling and treatment of laboratory animals and to encourage the study and improvement of the care, handling and treatment, and the development of methods for minimizing pain and discomfort, of laboratory animals used in biomedical activities.

A companion measure is being introduced today in the House of Representatives by Representative PAUL ROGERS of Florida and more than 20 Members of that body. I joined with Representative ROGERS in sponsoring a similar proposal in the 90th Congress. This bill was prepared in collaboration with the Humane Society of the United States, the American Humane Society and the New York State Society for Medical Research, and has their active support.

I supported the present animal protection legislation, Public Law 89–544, when it was originally enacted and have subsequently supported needed funding for its efficient administration. We all expected that the system of care would have to be completed to do what all wished done—for the present regulations only take care of the animal to the threshold of the research laboratory but not beyond.

The goal of this measure is to complete the structure of law for the protection of laboratory animals.

Although this measure is similar to the bill that I introduced in the 90th Congress, in response to the opinion of many interested Americans there is a basic modification. The bill I now introduce has been revised so that it does **not** transfer responsibility for the administration of any part of Public Law 89–544—the Laboratory Welfare Act of 1966—from the Department of Agriculture to the Department of Health, Education, and Welfare. I wish to emphasize that the animal dealer and laboratory regulations provided under Public Law 89–544 are neither repealed nor absorbed into the extended program provided for by this bill—which now takes the care of the animal beyond the threshold of the research laboratory—and the Department of Agriculture will continue the work it has initiated. Also, it should be noted that although Public Law 89–544 protects only six species—dogs, cats, monkeys, guinea pigs, hamsters, and rabbits—the bill I am introducing would protect any living warm-blooded vertebrate animal which is used or intended for use in connection with biomedical activities. Other revisions in this legislation clarify various portions of the bill, to strengthen it and avoid some past misunderstandings.

I might add that I was further impelled to introduce this legislation by the encouragement given me in 1966 during the debate on the animal protection legislation then before the Senate—now Public Law 89–544—when Senator WARREN MAGNUSON, chairman of the Senate Commerce Committee and floor leader of the debate, stated with respect to a measure then pending very similar to the Rogers-Javits bill which I introduced in 1966, that he was "very hopeful that the Committee on Labor and Public Welfare will report the Senator's bill."

Senator MAGNUSON further indicated—

That bill would add to the whole objective. We could then really do something about this very serious problem of animal welfare which we have in the United States.

This legislation represents an earnest effort by humanitarians and the scientific community to reach a realistic understanding of the purpose animals should play in biomedical research and a basic appreciation of the valuable role these animals serve on behalf of mankind.

Medical research involving the use of laboratory animals has contributed to bringing about a significant reduction in human suffering and mortality rates, but also this research can and must be conducted under proper and humane conditions for the animals concerned—both are compatible and feasible. A mark of our civilization is how we treat those creatures who cannot speak for themselves.

Mr. President, I ask unanimous consent that the bill be referred to the Committee on Labor and Public Welfare; and as a part of the same unanimous-consent request, I ask unanimous consent that, should the Committee on Commerce wish to review the bill after the Committee on Labor and Public Welfare shall have reported it out, then the Committee on Commerce may have that right.

The PRESIDING OFFICER. The bill will be received and without objection, referred as requested.

The bill (S. 2446), to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States, and by recipients of grants awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods of minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare (by unanimous consent); and, if and when reported, to the Committee on Commerce, if so desired.

## 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. BYRD of West Virginia. Mr. President, this is the third day on which the Senate has given consideration to the second supplemental appropriation bill of 1969. There has been one rollcall vote thus far, on one amendment. There are at least four amendments, of which I am aware, yet to be offered, and there may be more. Following the disposition by the Senate of this bill, of course, we still must go to conference with the House.

I say this to premise a statement which I am now going to make to the effect that while I do not want to be arbitrary with any Member of the Senate, I think I shall feel constrained to object to any request to speak out of order under rule VIII today.

Mr. President, the staff on both sides of the aisle may wish to alert Senators to that fact, so that they will not come to the floor expecting to make a 10- or 15- or 20-minute speech out of order but will be informed that an objection will be made if a unanimous-consent request to waive rule VIII is submitted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I am willing to delay the discussion of the Yarborough amendment yet a little while. But I am also ready to have a vote on that amendment, up or down, and I am not too concerned which way the Senate goes. I happen to be the Senator who is trying to manage the bill, and I shall support the committee position on the amendment, but I am ready for a vote.

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

Mr. BYRD of West Virginia. I simply want to say, that if Senators opposed to

the committee amendment wish to speak, somebody had better show up pretty soon, else I am going to call off the quorum and let the Chair put the question. Time is wasting and there is much work to be done.

Now, does the Senator from Alabama wish me to yield to him for a question?

Mr. SPARKMAN. Not for a question.

Mr. BYRD of West Virginia. For a unanimous-consent request only?

Mr. SPARKMAN. Yes; and I would like to make some very brief remarks.

Mr. BYRD of West Virginia. Just a moment. 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 yield to the Senator from Alabama for a unanimous-consent request only.

## NATIONAL HOUSING GOALS

Mr. SPARKMAN. Mr. President, on March 10, 1969, Mr. Leon N. Weiner, president of Leon N. Weiner & Associates, Inc., of Wilmington, Del., and past president of the National Association of Home Builders, presented a very fine speech to the 38th annual convention of the National Housing Conference.

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

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

NATIONAL HOUSING GOALS—THE PUBLIC AND PRIVATE SECTOR STAKE

(Address by Leon N. Weiner, president of Leon N. Weiner & Associates, Inc.)

The 1968 Housing Act spelled out our national housing goals. In addition to quantification of the low and moderate income units needed in the next decade, it focused attention on the total housing requirements of our nation.

It further spelled out, in rather great detail, a procedure for making the production of the housing a "living goal." I seriously commend a careful reading of Title XVI of this Act, because Title XVI requires a "plan."

This "plan," according to the Act, shall spell out the "number" of new or rehabilitated units which need to be provided, with or without government assistance, during each year of the ten year period. Further, it is to show the number of such units to be provided under each of the various Federal programs designed to assist in the provision of housing.

The "plan" shall also indicate the reduction in the number of substandard housing units during the ten years and each year thereof; shall provide estimates of the cost of carrying out the various Federal programs; make recommendations with regard to the legislative and administrative actions needed or desirable to achieve the objectives of the plan. The plan shall contain a projection of the residential mortgage market needs and prospects during the coming year—including a fairly detailed report, together with such recommendations for making these funds available.

But, in addition to a plan, the 1968 Housing Act calls for a process of check-up and periodic annual reports. The Act spells out that the reports shall include compraison of the results achieved, together with the objectives set forth for the same periods; an analysis of the failure to reach the objectives if, indeed, they were not achieved during that year—indicating the reason for the failure, the steps being taken to realize the results during the remaining years, and any necessary revisions.

The Act calls for detailed reports with regard to residential mortgage market needs, flow of mortgage funds, analysis of monetary and fiscal policies required to implement the "plan" and its impact upon the domestic economy (including, I am sure, the effects of inflation!), as well as making the necessary recommendations toward achieving the total ten year program.

The big question, of course, is: "Are these national housing goals achievable?" Can this nation provide twenty-six million housing units in the next decade? Can we provide the six million units for low and moderate income families, as well as the twenty million others called for in the 1968 Housing Act and in the plan? The answer, in my opinion, is a resounding "Yes!"

There are many who doubt our ability as a nation to accomplish the goals. . . . and there are all too few who have carefully analyzed, digested, and applied their thinking toward making these goals alive and dynamic. There are few who question the need. There are, however, many who doubt—many who think the goals are too high or unrealistic, or who find themselves overwhelmed by the obstacles and impediments.

CAN INDUSTRY PRODUCE THE REQUIRED HOUSING?

Let us examine these questions: Can the present industry, structured the way it is, meet the task of doubling the production of housing units? Isn't the present industry inefficient, fragmented, archaic, and obsolete in its organization and technology? Wouldn't this nation be better off having government actually undertake the total program? Shouldn't we concentrate on development of huge new government or quasi-government agencies which will overcome the obstacles and accomplish major new breakthroughs such as have been achieved in the aerospace industry? Why don't we manufacture houses the way we do so many other consumer goods—by developing national markets and mass producing all the housing at greatly reduced costs?

Recently, numerous studies and proposals have been advanced on many of these questions—including the Douglas Commission Report, the Kaiser Committee Report, and many HUD experiments and some demonstration programs, some of which are still in process.

What are some of the facts? Are there any clear and simple answers? The present housing industry has demonstrated its ability to produce and meet the housing markets of this country. Since World War II, the housing inventory of this nation has been doubled. More than thirty-five million units have been added to the supply. There has been a constant introduction of new materials and technology, and it is being absorbed as rapidly as the marketplace will accept it. Rather than being inefficient, numerous studies have indicated a fantastic level of efficiency and effectiveness in a highly competitive free market environment. There are really few people who honestly believe that this nation would be better off having the government actually undertake the total production of housing. The private sector can, has, and will continue to demonstrate its ability to produce more efficiently and effectively. This is not to negate the need for a real and working partnership between the private and public sectors.

The turnkey program, the Section 23 Leasing Program, and similar related programs have already demonstrated this in part. Modifications of and improvements of moderate income housing programs and third sector participation with non-profit sponsors can further increase production in this area. Congressional, as well as regulatory shackles, will have to be removed from many of these programs, but we have already seen some results in the HUD accelerated multi-family processing program. Hopefully, this trend will continue.

The problems of local market decisions, of the middle class aspirations of low and moderate income families, of growing policies directed against huge concentrations of "project" type housing enclaves, all make the solutions of mass "factory" produced housing complex and unacceptable. Local market design decisions—including community desires as well as the aspirations of low and moderate income families, are very strong indeed. We cannot ignore these factors. Changes will be relatively slow and gradual. While many new and innovative experiments in this direction will be undertaken, and some may prove successful, the history of this course of action as an overall solution suggests it is a long way off. The recent Battelle Institute study for the AFL-CIO Building Trades' Department contains an analysis of many of the problems down that path. This important study describes in great detail—both the trends and techniques in the construction of housing as it is practiced. To ignore these studies and the practical applications in the field is simply the kind of wishful thinking which many of us have indulged in at some time during our careers in the housing industry. The facts, however, simply will not be refuted.

We simply cannot look for new technology and techniques and dramatic breakthroughs to solve these problems immediately, but must face the realities of the present and skillfully and constructively use the tools and resources presently available.

The housing industry should be regarded as a national resource and so nurtured and developed so as to maximize its effectiveness in achieving our national goals. The industry itself is really quick to change to new types of organizations. It can and will arise to meet the needs, provided that the economic incentives are available and realizable. If we regard the present knowledge and skills, as well as organization of the housing industry in this fashion, we need not wait to see whether new forms, new structures, new conglomerates, new agencies are either workable or feasible. It is important to move forward on all fronts.

On Sunday, March 9, just yesterday, before the Third Annual Conference of Regional Councils in San Francisco, Mr. Samuel C. Jaskson, Assistant Secretary for Metropolitan Development of HUD, in his first major address since taking office, urged the Regional Councils to be less concerned with the technology of construction and more with the actions necessary to produce sites, community facilities, and services. Jackson told the Conference that ". . . your advice, counsel, and action is needed now to do away with discriminatory zoning practices, outmoded, or over-specialized building codes, and development standards that drive up the cost of housing."

What, then, are some of the major impediments to achieving our national goals, aside from the organization of the industry and its technology? These include, among others, land and sites, manpower, cost and supply of materials and, of course, the fundamental and crucial problem of adequate long-term capital credit and governmental subsidy. *It becomes very difficult to properly evaluate which impediment is most crucial,* but anyone in any housing program knows that land, suitably located with adequate facilities and at a reasonable price, is one of the most dif-

ficult to resolve. Zoning codes and their administration, as well as a fantastic lack of advance installation of roads and transportation, sewers, water supply, schools, and other fundamental facilities, have contributed to skyrocketing land costs.

THE NEED FOR LAND POLICIES

The development of a national urban growth policy, or a national urbanization policy, or an urban land policy has certainly been projected onto the front burner for serious and critical consideration.

Secretary of HUD, George Romney, on March 4, 1969, before the meeting of the National Association of Counties, spoke of the recognition of "a need for a national urban growth policy—one which will include consideration of internal migration, the concerns of small towns, the development of new towns, as well as the problems of the inner city."

There is no question about a basic need for the development of such policies—but a word of caution is also needed. Just as there will not be any magic or all encompassing breakthrough in construction technology which will produce miracles, neither can we expect answers from some of the magic "solutions," such as advocated by Marian Clawson, an official of Resources for the Future, Inc., who stated at the 2020 Conference in New York on January 31, "I am convinced that no really significant change can be made in the process of urban and suburban growth—unless there is a major program of public acquisition of land and a major intrusion of public agencies into the land conversion process."

An examination of current suburban land-use policies, based primarily upon negative and exclusionary principles and administered by public agencies, is enough to raise the word of caution. Those of us who have had practical experience with the suburban "mind," a very powerful influence in the shaping of land use policies, well know that even a metropolitan approach will not resolve the critical question of how, when, and where publicly owned land shall be disposed. Add to this the critical problem of the relationship between such publicly acquired lands and any or all privately owned land, and it becomes even more difficult to resolve.

There are those who regard new communities as the ultimate answer. A recent report by a professional association task force stated their belief that, "New communities will offer new types of environments, free from the worst irritants and pressures of metropolitan areas, in which people will have a better chance to work toward ending the dangerous divisions between black and white, rich and poor, and young and old that are increasing in the United States today." What a beautiful world that would be! Our present patterns of growth have produced many problems and, hopefully, again, new communities may help to prevent such things as urban sprawl. We need to be concerned with urban sprawl. The causes have inter-relationship with our growth patterns. Equally, before significant and major contributions can be made with respect to new communities, we must resolve the economics not only in the feasibility of the new community itself but in the need for jobs and services without which no community can survive.

My deepest concern is that, in the search for new answers, we fail to heed the words of Assistant Secretary Jackson. . . . that we forget the day-to-day fight for sites, community facilities, and services. If we are to achieve our national housing goals, our urban land policy needs to zero in on short range workable programs *now*, utilizing all the tools, techniques, and powers which can make the necessary land available today, tomorrow, and next year—while carefully examining and experimenting with innovations, testing them in practice, and carefully culling those which cannot or will not work in our American society from those that will produce results. Assistant Secretary Jackson certainly put his finger on the problem. Those of us involved in the day-to-day fight for sites realize that deep down and underlying many of the other problems is the issue of color. Mayor Walter Washington stated that, in his opinion, the name of the game was fair housing practices. Few communities are ready to be that frank. In one community, for example, the name of the game was "historical architectural compatibility," and the problem allegedly was how to get approval of the site for a high-rise building which did not have shutters or wrought iron ornamentation which happened to be characteristic of this community.

One of the significant steps forward in the day-to-day fight for sites is the requirement in the Housing Act of 1968 for a housing element in connection with the 701 grants. This needs to be further deepened and expanded. If we are to have national housing goals, we must have state housing goals, county housing goals, and municipal housing goals—each of which, in turn, constitutes the component sections of a national goal. Without these local goals, we cannot fully succeed.

MANPOWER AND MATERIALS TO MEET THE GOALS

Can we provide the manpower to double the production of housing units in our nation—in order to meet our national goals?

An effective manpower training program and the smashing of previous employment practices, together with the introduction of new component technology, will offer solutions toward that problem. The major impediment has been to convince many involved people that there are critical manpower shortages and that streamlined training programs and elimination of racial barriers are fundamental to overcoming this impediment. The training of additional manpower must be regarded as an opportunity for added employment and not as competition for the jobs of those already employed in the construction industry. The need is great for both the long term replacement of the mechanics in our industry whose average age has increased drastically in the last ten years, as well as for the vastly increased number of man hours of production which will be needed to satisfy the sharply increased expansion of housing supply.

No one, at this moment in our history, could speak about housing without referring to the inflationary and runaway price patterns of building materials and, most especially, lumber. The phenomenal rise of lumber prices in one short year has nearly doubled the cost of this essential building product. The causes are complex and confusing but, once again, the solutions lie in an examination of the problem with the production of our housing goals as an ultimate objective. If this involves major changes in other national policies, such as the supply of timber from our national forests which have more than half of the nation's resources, or an embargo on shipment of logs to Japan, or a strengthening of the small mill producers by extensive government loans in order to increase their ability to add to the supply, then the steps to achieve this must be consciously undertaken as part of the policies necessary to achieve our housing goals.

RESOLVING MORTGAGE CREDIT PROBLEMS

Finally, and without attempting to elaborate any additional and contributing impediments, the most crucial matter of mortgage credit and funding of the housing programs becomes the major stumbling block to meeting our national housing goals.

First, with respect to appropriation. . . . If the Congress believes in the housing goals it has established—and particularly in the programs which require subsidy—it cannot restrict and squeeze the life out of the funding for the programs it has approved.

There was certainly strong bi-partisan support for the 1968 Housing Act. One could argue that the "rent supplement" program never received proper funding because of its narrow margin of victory in the Congress, but, surely, the Section No. 235—Homeownership Program, and Section No. 236—Moderate Rental Programs did not have that history. A word about the subsidies for programs such as Section No. 235—Homeownership and the Section No. 236—Moderate Rental Programs. We believe that this type of subsidy program is constructively oriented to the consumer. Our industry has not looked for subsidy for itself. Too often, people have considered programs such as the FHA Middle Income Housing Program as a direct subsidy. True, it involved federal intervention in the financing process, but no home builder nor homeowner received public funds and, even the cost of administering the FHA program, has been minimal. As a matter of fact, a careful examination of the history of FHA will show that it has not been an expense in the government program but actually returned funds to the Treasury.

Secondly, despite much discussion and many motions toward providing housing with the necessary shelter and incentives—toward attracting long and even short term capital to the industry to give it a competitive position in the capital markets of our nation, we are today, once again, on the verge of a major crisis in both cost of and supply of mortgage credit. Pension funds, one of the major sources of long term credit, continue to plow billions into spectaculative stock market issues—bypassing the fixed interest rate return of mortgages. The Federal Reserve Board openly admits to its failure to provide protection to the relatively weak competitive position of residential mortgages.

In 1966, when the tight money crunch virtually ground housing production down to a level equivalent to less than forty percent of the 2.6 million units needed to achieve our housing goals, many long hours were spent in looking for solutions. Too few proposals have been put into effect and too few people today understand that our housing goals will not be achieved unless the mortgage credit problems are resolved.

LOW AND MODERATE IN RELATION TO ALL HOUSING

There are many in this nation who feel deeply concerned about housing the low and moderate income families. There are an increasing number who understand the sense of urgency and need to move effectively and vigorously to accomplish this part of our national goals. Those of us who have had any contact with the urban core problems in cities and towns are especially conscious and place strong emphasis on the low and moderate income family needs in housing.

There is, however, a great danger of divisiveness and polarization in our nation if we fail to provide housing opportunity to our other citizens as well. The Kerner Report, with all of its insight, understood and underscored this danger. While emphasizing the low and moderate income programs, let us not fall into the trap of blindly setting other housing requirements as the opposition.

If funds need to be allocated, let them come from the Apollo program or from other sources, rather than from other housing programs. If we are to continue to support tax shelter through depreciation and other incentives to produce low and moderate housing, we must not make the mistake of excluding other housing needs. I cannot too strongly urge our most serious consideration of this course of action.

COMMITMENT AND ACTION FOR ATTAINMENT

What is needed is a sense of commitment. What is needed is the development of conscious policies of priorities. What is needed is a program of action to really make the housing goals into "living goals."

There is no question that, without this sense of commitment, the national housing goals become, once again, simply a statement of the desirable which, like so many other good things, would be shelved till later. We cannot and will not achieve our housing goals unless and until we apply ourselves—the private sector, the public sector, and the people's sector to implementation of the "plan." In a recent speech, Charles B. Reeder, Senior Associate Economist of the Dupont Company, raised the question whether we will achieve twenty-six million additional dwellings by 1978. His answer was that it would be something less. He said, "What won't be produced in the 1970's is most of the six million subsidized units called for by the Housing Act of 1968. The reasons these won't be produced are (a) the goal is unrealistic to begin with, and (b) the incentives offered are totally inadequate to get a task of this magnitude done. The goal of six million subsidized units is not supported by basic economic analysis. It represents the number of housing units that Washington would like to see produced in order to give every poor American a decent home—a worthwhile aim, but hardly the basis for a forecast." This is a challenge. While this may be but one man's opinion of the problems facing our nation in meeting its housing goals, it certinly indicates the magnitude and nature of the problem.

In his Letter of Transmittal dated January 17, 1969, in which he sent the first annual report on national housing goals to the Congress of the United States, President Johnson says, ". . . .The housing goals of the 1968 Act are firm national commitments. I urge the Congress, State, and local officials, and concerned individuals to give careful consideration to this report."

If the "plan" needs to be revised, let it be done consciously and deliberately and not by default. Those of us in this nation concerned with housing must keep the housing goals as "living goals."

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

## 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.

The Chair is advised by the parliamentarian that under the previous order the Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the distinguished Senator from Rhode Island is ready to present the case for the amendment of the Senator from Texas (Mr. YARBOROUGH); therefore, I relinquish my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the Senator from West Virginia for his courtesy. I am sorry that Senator YARBOROUGH is not available to call up his amendment, however, I am delighted to act in his stead.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PELL. Mr. President, I ask unanimous consent that the senior Senator from California (Mr. MURPHY) be added as a cosponsor of amendment No. 44.

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

AMENDMENT NO. 44

Mr. PELL. Mr. President, I call up amendment No. 44 and ask that it be stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Texas (Mr. YARBOROUGH) on behalf of himself and other Senators, proposes an amendment, as follows:

The proposed section 401 of the bill is amended (1) by striking out in lines 19 through 22, page 71, "(including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable)", (2) by striking "and" in line 13, page 71, (3) by striking out the period at the end of line 16, page 71, and inserting in lieu thereof a semicolon and the word "and", (4) by inserting after line 16, page 71, the following new paragraph:

"(4) the programs to which title IV of the Elementary and Secondary Education Amendments of 1967 (Public Law 90-247) is applicable."

and (5) by striking out "and (3)" on lines 3 and 4, page 72, and inserting in lieu thereof "(3) and (4)".

Mr. PELL. Mr. President, amendment No. 44 contains the exemption of educational programs from statutory budget cuts.

To give this action some historical perspective it should be noted that section 406 of the Elementary and Secondary Education Amendments of 1967 exempts all educational programs in the Office of Education from statutory budget ceilings.

Last year the Senate was called upon to recommit the bill which created this exemption for educational programs, with instructions to delete that specific exemption. This move was defeated by a record vote of 58 to 11.

The amendment we are considering today would reaffirm the action previously taken by the Senate to permit the Congress to decide the level of spending for education.

The supplemental appropriations bill as reported exempts uncontrollable expenditures from the budget ceiling which would be imposed and directs the President to reserve from appropriations such amounts as may be necessary to keep expenditures below that ceiling; thereby requiring the reductions to be taken from controllable expenditures. The amendment transfers education appropriations from the controllable category to the uncontrollable category.

On a more general point, I think that enactment of section 401 as written may constitute an abdication of legislative responsibility on the part of the Senate. The legislation as passed by the House reserved to the Congress the right to appropriate such sums as it deemed to be necessary for particular programs. The final responsibility for how much was to be spent in any program was reserved to the Congress. The language of the committee amendment to the House bill turns full responsibility for determination of the amount to be spent on any program over to the Bureau of the Budget and the White House.

If the committee language is enacted, we may find ourselves in the position of appropriating certain sums for a specific program. However, that appropriation would have no effect whatsoever unless the Budget Bureau decided to take notice of the congressional intent. Does not appropriating money with one hand and then permitting the Bureau of the Budget to withhold expenditures on the other hand constitutes an act of bad faith; for example in the field of education we promised the American people that we will spend funds for library resources and textbooks, but at the same time we allow the Bureau of the Budget to withhold those funds and decide on its own priorities.

The Congress of the United States is given primary legislative authority by the Constitution. The power of the President under the Constitution with respect to legislation is simply to approve or disapprove acts of Congress. By enacting legislation giving the President the authority to make a second review of our legislation we are abdicating authority the Constitution vested in the Congress. Indeed, we are supplementing the Constitution by giving the President an additional veto power over acts of Congress.

The Constitution gives the President only one veto. When we enact legislation permitting the President to reserve funds from our appropriations we are giving him a second chance to approve or disapprove our legislation.

What this amounts to is the item veto. And the Constitution does not permit the item veto on legislation. The President must approve or disapprove an entire act of Congress. He may not pick and choose among parts of a bill that is enacted. When we permit the President to pick and choose from among our appropriations we are in effect giving him item veto authority.

Senators who are concerned with the power of the Presidency should be fearful of granting the President such extraordinary power as the item veto.

In a more parochial vein I speak now as chairman of the Subcommittee on Education and point out a further reason for opposition to section 401(b). Last year the Congress enacted a provision of law which reserves to itself the authority to decide how much Federal money was to be spent on education. Title IV of the Elementary and Secondary Education Amendments of 1967 was amended to provide that all appropriations for education programs would remain available for obligation until the end of the fiscal year for which they were appropriated.

That amendment removed from the executive branch any statutory authority to impound or freeze education funds.

That act was not intended to place education above all other areas of Government concern, but since the pending legislation dealt only with education legislation, the provision dealt only with education. With the enactment of that legislation Congress stated, as policy, that the President should not have statutory authority to impound or freeze funds appropriated by Congress. If education funds are to be cut, then the Congress ought to do it in the proper appropriation acts, and, I might add, take responsibility for those cuts. The Congress should not sidestep the issue by passing a general budget cut and then let the President take the responsibility for cutting specific areas such as education.

Section 401(b) of the supplemental specifically overrides the exemption Congress enacted last year with respect to education. Since this legislation overrides the exemption for education legislation we are now in a position, by acting upon the pending Yarborough amendment, where each of us will be called upon to stand up and be counted as for or against education. And we do this after we have seen schools closed down in Youngstown, Ohio, we have seen school years shortened in many cities across the country, we have seen schools that are literally falling down from age in every big city in this country and we have 5 million disadvantaged children who need special education programs. We also have about 6 million handicapped children who need special education programs. Is this the time to allow a cut in education funding?

The property taxpayers in this country simply cannot and will not significantly increase local taxes to support education in this country. In my opinion the Federal Government has never carried its rightful share of the responsibility for education. However, we have been taking steps in the right direction in the last 4 years. The American people want more and better quality education for their children. Yet they cannot afford to provide that education from local revenues. The education needs of the children of this country are far too important to slight by passing general budget cut legislation when the specific needs for assistance under specific programs should be analyzed by the Appropriations Committee and by the Congress.

As chairman of the Education Subcommittee I cannot stand by in silence and let the Senate of the United States ignore today's education needs, nor acquiesce as this body diverts itself of its proper responsibility with respect to those needs. Therefore, I would urge my colleagues to consider section 401(b) very carefully and ask these questions: First, should we continue a policy of legislating in appropriations acts in spite of our own prohibition against such legislation; second, should we relinquish primary responsibility for legislation by abdicating to the President powers which the Constitution does not grant him; third, do we want to close our eyes to the education needs of the Nation's children and elude our responsibility by enacting a general budget cut without a review of the needs of our children for education.

I would submit that the answer to each of these questions by most of us would be "No"; and if all three questions were put together I hope the answer would be a resounding "No."

Mr. President, I would ask for the yeas and nays on the amendment.

Mr. BYRD of West Virginia. May I advise the Senator that there are not sufficient Senators in the Chamber at the moment.

Mr. PELL. Mr. President, I withdraw that request.

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

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

Mr. PELL. Mr. President, I ask that the yeas and nays be ordered on the amendment.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, may I ask the Senator from Rhode Island whether or not any other Senators will appear in behalf of the Yarborough amendment?

Mr. PELL. The Senator from New Mexico (Mr. MONTOYA) would like to be heard.

In addition, I ask unanimous consent that the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of the amendment.

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

Mr. BYRD of West Virginia. Mr. President, I am ready for a vote.

Mr. PELL. Is the Senator from New Mexico being notified?

Mr. BYRD of West Virginia. That is up to someone else.

Mr. PELL. The Senator is correct.

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

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

Mr. MONTOYA. Mr. President, I rise in support of the pending amendment, of which I am one of the cosponsors, but I want to say at the very outset that the fact that we are sponsoring this amendment should not be a reflection on the able leadership of my good friend from West Virginia (Mr. BYRD), who has brought this bill to the Senate, and who has done a very fine job in bringing before the Senate a good bill, a well considered piece of legislation.

I would like to state that I completely support the language included in the vocational education amendments of last year which exempted our crucial education programs from the strictures of the Revenue and Expenditure Control Act.

As you know, the wording of the Senate exemption language made the exemption a permanent one—effective not only for fiscal year 1969 but for all future years, unless specifically negated by subsequent legislation. And the House-passed version of the second supplemental appropriations measure now before us also protects the exempt status of education from this expenditure limitation. In short, we in Congress have recognized the urgent demand and need for funding educational programs—from elementary through graduate school.

Mr. President, I see no reason for Congress to reverse itself and backtrack on the principle it has endorsed of giving education the priority that it needs. The desperate need for expanded educational programs has by now been well documented and established. The unfulfilled promise of education for all is now our challenge and one to which we must accord top priority. But if education is to increase in the program sense, it follows that it must also increase in the financial sense.

If we move to repeal this language from the measure, it will weigh heavily on our consciences that large numbers of our boys and girls will fail to attain their full development. Not having a particular competence to get started in the world and to contribute to the life and economy of our Nation may turn out to be the single most important event in the lives of our youth.

Both precedent and commonsense tell us that our strength, creativity, and further growth depend upon our capacity to develop the talents and potentialities of our valuable human resources. Both precedent and commonsense also tell us that the few dollars we invest today in education are a capital investment which will pay off handsomely in social and economic dividends tomorrow.

This is a time in America for reason and restraint—but it is also a time for responding to and finding solutions to our major problems. If we can design a system to put a man on the moon, we can zero in on insuring that our educational programs live up to our expectations. The current climate in America places upon each of us awesome new demands for sound leadership and intelligent, constructive action. The goal of educational fulfillment is immediate and pressing; it cannot be evaded if we are to preserve the vitality of America.

I urge my distinguished colleagues not to create an educational crisis by pulling the rug out from under the young people of our country. There is little question that their education should appear in the highest ranks of our national scale of priorities. And by protecting the exempt status of education in this legislation, we shall all of us share in the excitement of

achieving beneficial results in this crucially important field.

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

Mr. DIRKSEN. Mr. President, I recall one leadership meeting at the White House with President Nixon, at which time we were discussing a ceiling on expenditures and discussing the overall budget ceiling.

I recall that a Cabinet officer was there seeking to entreat with everybody that he needed another $275 million for a particular function and activity in his department.

No one could deny that what he had in mind was a very desirable thing, and almost imperative in some sense; and, without putting words in the mouth of the President, he said, "Well, that's fine. If you need $275 million, just find some other spot in this budget where they can take out $275 million, so it can be done under the budget ceiling."

In other words, nothing was sacred, and everything could be cut except the uncontrollable items.

So that way, for the purposes of net lending and net loans, most of the items are there, and you can dip in, take out, and add; and that is precisely what the Senate committee did when they brought in this bill.

Now it is proposed to make an exemption here for the Office of Education, which involves a matter of $3 billion. Obviously, the Williams amendment so far as personnel are concerned cannot be made to apply.

Well, if we are going to make an exception, why not apply it to the so-called impacted school areas? Why not also do it with respect to school lunches? Why not do it with respect to all the public works projects that are in this bill? Why have any sacred cows at all?

But if we are going to pick out a sacred cow here—and already the telegrams indicate that a very effective school lobby is under way in behalf of this effort embodied in the Yarborough amendment—I sincerely hope that the Senate does not treat the Appropriations Committee quite like that, after all the effort that they have put into the bill.

I know, as a matter of fact, that the distinguished Senator from West Virginia (Mr. BYRD), who is the manager of the bill, and the Senator from South Dakota (Mr. MUNDT), who is the minority manager of the bill, did sit down with the Director of the Budget to work out the language that the committee finally brought in here, for purposes of submission to the Senate.

Now, out of the clear sky, the old Morse amendment, with which we lived in other days, is resurrected once more, and a tearful entreaty is made that this has got to be done to round out the education of the youngsters of America.

There is a lot of school money in this bill, and if a little cut is necessary, or money has to be reserved by the President somewhere along the line, I have an idea it can stand it, and, in the interest of the solvency of this country, we should have no sacred cows whatsoever.

That is the reason this amendment ought to be defeated, for if it is not, in logic and with justification, any Senator can stand up here and pick out something in the bill and say, "I would like to have that exempted," and he can make a pretty good case for it.

I hope the amendment will be rejected.

Mr. PELL. Mr. President, I should like the RECORD to show that under the committee amendment to the House bill the impacted aid program remains exempted. The amendment to the reported bill which I am presenting on behalf of the Senator from Texas (Mr. YARBOROUGH) would reinforce or repeat an action taken by the Senate in October of last year, by a vote of 58 to 11.

Mr. BYRD of West Virginia. Mr. President, lest there be a misunderstanding about my position in this instance, or about my support for education, let me say that, to the best of my recollection, I have supported every education bill that has passed the two Houses of Congress since I have been in Congress, over a period of 17 years. Prior to that, I supported every educational measure that passed the State legislature of my State, when I served in both houses there for 6 years.

I first attended school in a little two-room schoolhouse back in Mercer County, W. Va., about 45 years ago. I grew up at a time when there was no Federal assistance to education such as we have today. I went to college while I was serving in the State legislature, and I attended law school at night, over a period of 10 long years, while serving in the two Houses of Congress, in Washington, to earn an LL.B. degree.

I do not say this with the idea that it is something that I should boast about, or that I should be applauded for. I merely say it, Mr. President, to indicate my deep feeling for education. I know the worth of an education. I know the value of it. I have worked as hard as any individual ever worked, I would suppose, to get what little education I have. It has not been easy. I had to get most of my education after I had started raising a family, and I know what it is to have to study through the long evenings, past midnight, and on Sundays, when I would like to have been out with my family taking an afternoon drive around the countryside. I know what it is to have to pore over those boring books and get an education the hard way. So I am very sensitive when it comes to making cuts in educational appropriations.

I like to think that I have done as much as, if not more than, any other individual to promote education in the District of Columbia. I have been kicked around a little bit here, when I was chairman of the Appropriations Subcommittee for the District of Columbia for 8 years—longer than any other Senator has held that post in the last half century—but I did more, I think, than any other Senator has done for education in the District of Columbia. I took moneys from other programs and put them into the education budget because I felt that the least we could do would be to give the children in the District of Columbia the opportunity to develop to the utmost whatever potential is within each child.

So, I, too, am a friend of education. I am not one who would close his eyes to the educational needs of the Nation's children. I never have done it. I am not doing it today, and I do not intend to do it tomorrow or the next day.

I voted for the educational amendment which was sponsored by our quondam colleague, Mr. Morse. I voted for it; but that was in a different context of circumstances. But when the committee held hearings on this bill, Mr. Mayo, the Director of the Bureau of the Budget, came before the committee and said that the language that was included in the education amendments of last year should be removed, for this reason: If the President is forced to make a reduction in controllable expenditures as a result of this bill we are about to pass, and if he should allocate a share of the cut to each of the departments in the Government, and for example, should say to Agriculture, "You are to cut this much," and should say to Commerce, "Your quota is this much," and should say to the Justice Department, "Your quota is this much," and should say to HUD, "Your quota is this much," and should say to the Department of Transportation, "Your quota is this much," and should say to the Department of Health, Education, and Welfare. "Your quota is this amount"—let us say it is $200 million—the Yarborough amendment would, in its practical effect, require that almost the entire cut would have to come out of health.

Why? Because the welfare programs are already open ended. There is very little we can do to control them unless the basic law is changed.

Education cannot be touched because education is being accorded preferential treatment by the amendment. But open season can be declared on health programs because they have no such status. So, the Secretary of Health, Education, and Welfare would have to say, "Well, we cannot cut welfare, because those programs are uncontrollable."

He would say, "We cannot touch education, because that has been made an untouchable by the education amendments of last year and the Yarborough amendment. Therefore, we will have to take our whole quota out of health."

What does that mean? It means cuts in research programs for cancer, heart disease, and arthritis, cuts in the air pollution and water pollution areas, Hill-Burton hospital construction, and so on. All cuts would have to be made in health.

So, let us put this matter in its true perspective. All the committee is trying to accomplish is what Mr. Mayo asked to be done, and that was that the Office of Education, which is in the controllable expenditure area otherwise, be taken out of that preferred position. And it is the only area of controllable expenditures in the Government which has been so exempted and given this priority status by Congress.

If Congress, through the enactment of the pending bill, effectuates a reduction in expenditures of at least $1.9 billion, the President will not have to make any cuts. But if Congress fails to do so, and if the President then has to make a $1.9 billion cut, all we are saying and all Mr. Mayo was saying is that the President may be permitted to establish

priorities, and that the Secretary of Health, Education, and Welfare may establish priorities and that they will no longer be forced to choose among health programs, to make reductions, but can, rather, make a choice between education and health programs. In other words, no longer would all education programs be given priority over all health programs, but under the committee language the President could decide which education programs have priority over which health programs and vice versa.

So, that is all we are asking. We are asking that this one area of controllables be removed from the untouchable category.

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

Mr. BYRD of West Virginia. I yield.

Mr. MILLER. Mr. President, I appreciate what the Senator has been saying. Do I correctly understand the amendment to relate to only one particular area of education, and that it does not cover the whole field of education?

It is my understanding that it does not relate to higher education. It does not relate to Headstart. It does not relate to manpower training and development programs, all of which are part of the education picture. It only relates to one area of education.

Mr. BYRD of West Virginia. That area under the jurisdiction of the Commissioner of Education.

Mr. MILLER. The Senator is laying great stress on his support for education. I would like to think that I share his support of education. However, this is not just an education matter. It is only a part of the education picture. It is not a matter of making education untouchable. It is a matter of forgetting about some very important areas of education such as the manpower training and development programs, Headstart, and others, and looking at only one part of the education picture.

Is that not the point of the Senator?

Mr. BYRD of West Virginia. That is exactly right, as I understand the Senator.

The amendment of the Senator from Texas applies to subsection (b) of the provision establishing a limitation on fiscal year 1970 outlays. That subsection would not become effective unless we in the Congress are unable or unwilling to reduce President Nixon's proposals for controllable spending in fiscal year 1970 by the $1.9 billion required. If we in the Congress exercise our responsibilities and establish our priorities so that controllable spending does not exceed the $84.3 billion we have set as a limit—within the overall limit of $191 billion—there will be no need for the President to make any further reductions.

However, if we cannot so establish our priorities, if our appropriation and legislative actions result in controllable spending in excess of the $84.3 billion we have established as a limit, we will then have forced the President to make the choices we have proved unwilling or unable to make.

For 1970 spending we will have approved, item by item, amounts for agriculture, for housing and urban development, for public works, for natural resources, for health, for education, for poverty, for the administration of justice and fighting crime, for foreign relations and foreign aid, for revenue collection and customs, for military—non-Vietnam—defense, and for everything else which we believe is of so high priority that we cannot reduce any of them. We will then tell the President that he must choose—that he must cut where we could not cut.

But the amendment of the distinguished Senator from Texas says to the President, in effect:

> Even though all of these controllable spending items are so important that we in the Congress could not cut them by enough to come within the limit we have established, education is more important than any of the others. You may cut defense, you may cut agriculture, you may cut health, and so on, but you may not cut education below our approved amount.

Thus, the Senator's amendment says that even though these payments for education may not be of a fixed or open-ended, or mandatory type, the President has to nonetheless consider them so.

The Appropriations Committee, in approving the language that would be deleted by this amendment, did not want to single out education. Let me stress that the Appropriations Committee did not want to single out education. But the committee was faced with the fact that education had already been singled out by the education amendments of last year, and the committee's language was drafted for the purpose of removing its preferential position so that education and all other controllable spending items would be on an equal footing. The preferential status for education was conveyed by Public Law 90–576, approved October 16 last year.

That law, among many other provisions, amended the Elementary and Secondary Act as follows:

> SEC. 401. The provisions of this title shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this title unless so specified by such amendments.
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> * * * * *
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> SEC. 406. Notwithstanding any other provision of law, *unless expressly in limitation of the provisions of this title,* funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year.

This last section limits the President's authority to carry out the purpose of title IV of the pending second supplemental appropriation bill unless we "expressly" provide otherwise. The amendment of my friend from Texas would remove such expressed provision.

As I have said, if we cannot fulfill our responsibilities to cut the required $1.9 billion, the President will have to do the job for us. On the basis of the cutback actions taken last year, under the Revenue and Expenditure Control Act of 1968, the President will apportion among the various departments and agencies the amounts which he will have to reduce. In this process, the Secretary of Health, Education, and Welfare, along with other Cabinet officers, will undoubtedly be directed to reduce 1970 spending by a certain amount below what we in the Congress will have specifically approved. Now, I know I am being repetitious, but I want to say again that the Secretary of Health, Education, and Welfare will look at the three major areas covered by his programs:

First. Welfare: He will find almost all of these expenditures are for public assistance grants which depend on State laws and caseloads, and under existing law the 1970 outlays will be mandatory or uncontrollable.

Second. Education: If the Senator's amendment carries, the Secretary will find that he cannot under the law I cited just a few moments ago, reduce any programs of the Office of Education.

Third. Health: These programs represent the only area where the Secretary would have some discretion, and hence he would have to take almost all of his budget cuts here. We in the Congress would have told him that we consider all education programs of higher priority than all health programs, and that means we will have directed that his cuts be made in such activities as food and drug control, air pollution, mental health centers, regional medical programs, Hill Burton hospital construction, Indian health facilities, and the National Institutes of Health—covering cancer, heart, stroke, and neurological diseases, arthritis, child health and development, and similar research activities. I have already stated that I share the feeling of many of my colleagues that education is of prime importance to the future of this Nation. At the same time, I find it a little difficult to understand that everything that the Government does in education is more important than everything it does to prevent disease and to improve the health of our people—and also more important than everything it does in every other area of controllable spending. I believe the Senator's amendment should be rejected, and I hope it will be rejected.

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

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY. On the point that the distinguished Senator from West Virginia has raised, in trying to suggest that if we adopt the amendment of the Senator from Texas and the Senator from Rhode Island we are going to have to reduce the total numbers that are listed in section 401(a), the $187.9 billion, by a relative increase in any additional amounts that are spent in the fields of education——

Mr. BYRD of West Virginia. No, I did not say that.

Mr. KENNEDY. The point I am interested in is that under the amendment of the Senator from Texas, it is my understanding that if there are any kinds of increases in the fields of education, the ceiling of $187.9 billion will increase; and that, therefore, we really are not comparing education to health in terms of the total moneys that will be expended. For the language of the bill says that the ceiling shall be $187.9 billion,

"provided that such amount be increased or decreased by the aggregate amount" by which there are increases in the "uncontrollable" items, of which education would be one, under the amendment.

What is only being done is perhaps demonstrating additional interest or concern in terms of education by placing it in the proposed legislation as an express uncontrollable. But, certainly, in terms of expenditures, we would not necessarily be reducing any funds that would be used in health or in the Bureau of Indian Affairs or any of the other worthwhile areas.

Mr. BYRD of West Virginia. I say, respectfully, that the Senator has missed the point of my argument, which is this: If this bill is passed with the expenditure reduction of $1.9 billion intact, this means that either Congress or the President must make at least this amount of reduction. If Congress makes the $1.9 billion reduction——

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

Mr. BYRD of West Virginia. I am getting to the point.

If Congress makes that reduction, the President does not have to; but if Congress does not make it, the President has to. So if the President has to do this, he may have to allocate a certain portion of that forced reduction to HEW. If he does that, HEW cannot touch welfare, because most welfare items are open-ended and uncontrollable. That only leaves education and health HEW cannot touch education if the amendment of the Senator from Texas is adopted, because we will have said, "That is an untouchable. Don't put your finger on one red penny." So, then, whatever reduction allocation is given to the Department of Health, Education, and Welfare to make, all will have to come out of health. It is just that plain and that simple.

Mr. KENNEDY. But the point remains that even if we include in this bill the Yarborough amendment, which has been brought up by the Senator from Rhode Island, in the total picture of increases and cuts the President may want to make some recommendations or cuts in other areas. He certainly can make that kind of adjustment. But adding the amendment of the Senator from Texas to the bill in no way will mean that, per se, there will be a reduction in the fields of health.

I think that the point is important, because some persons may have erroneously gathered from what the Senator from West Virginia mentioned earlier that, if we were to add the amendment of the Senator from Texas, automatically we were going to have to cut back on these health programs. No one says that the same amounts must be cut from the whole Department of Health, Education, and Welfare whether or not the amendment passes. Any, cutting back which may have been planned for education need not be made elsewhere in HEW. I suppose there would be those—and certainly I am one—who could reasonably assume that the President might find other areas for cutting back, such as the ABM or other areas depending on the kinds of priorities he might choose. I think it would be unfortunate if the Members of this body were to gather that the only area in which the President was going to be able to reduce expenditures was in the field of health.

This is something which is unclear from what the Senator from West Virginia stated earlier. If I am mistaken in that impression, I am glad to have it corrected.

Mr. BYRD of West Virginia. Mr. President, the Senator is correct when he says that by virtue alone of the adoption of the amendment offered by the Senator from Texas, we would not be saying, per se, that cuts have to be made in health. He is preeminently correct, and I hope I did not leave that impression.

But if the amendment is adopted, and if the President has to allocate some cuts to HEW—he might not have to; he might take them all out of Defense; he might take them all out of Agriculture; he might take them all out of public works—but if he distributes this cut around so that everybody takes a little bite of it, then some of it would go to HEW. If he does that, then the Senator's amendment would, in effect, say, "Take it all out of health, because all education programs are on a pedestal, and all health programs are candidates for surgery."

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

Mr. BYRD of West Virginia. I yield.

Mr. COOK. In our discussion the other day, when we talked about the controllable and the uncontrollable aspects of the budget, we were discussing the fact that we had gotten ourselves into a position where we were almost admitting that well over $115 billion of the $187.9 billion was almost uncontrollable. By the adoption of this amendment, would we not just be increasing the amount of funds we would have to put in the category of being uncontrollable by the body that is supposed to control funds of this nature?

Mr. BYRD of West Virginia. We would, and we would be going one step further. We would not only be saying that an additional area is exempt, but we also would be saying, for the first time, that a controllable area is exempt.

The other items that we have exempted in the bill—I think 100 percent of them—are either unpredictable as in the case of Southeast Asia support; or mandatory and fixed, such as interest on the national debt; or uncontrollable, such as public assistance grants and veterans' pensions, compensation, insurance, and so forth. But we have required that the controllables, which will amount to $86.2 billion, are all available for whatever cuts the President has to make, with the exception of one controllable item—the Office of Education.

We are saying that one controllable item here—which is not open ended, not fixed, not mandatory, and not necessarily unpredictable, as are farm price supports in the face of unpredictable weather, unpredictable markets, and so forth—will be moved over into the uncontrollable category. It will be a fiction. We will say, "It is controllable, but thou shalt not touch it."

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

Mr. BYRD of West Virginia. I yield.

Mr. COTTON. I sympathize with much that the Senator has said. The Senator from New Hampshire has served for a considerable number of years on the Appropriations Committee, and he has always served on the Subcommittee on Health, Education, and Welfare.

If the Senator thinks that this amendment is a sacred cow, I can inform him, from personal experience, that there already have been sacred cows; and if this amendment is rejected, those sacred cows will be frozen in.

For example, this Senator is particularly interested in the title III funds of the Defense Education Act—and, incidentally, so are the superintendents of schools and the school officials in every State of which I know.

Mr. President, those funds have to be matched. The school authorities are eager to get those funds for use in equipping the schools in their respective States and they eagerly match every dollar we give them. On the other hand, the funds under the Elementary and Secondary School Act are all Federal funds. The States and the local communities do not have to produce a nickel for them. Those funds are all earmarked so that they go for many purposes, some of which are highly essential and some of which are not highly essential.

For some reason or other the Office of Education and, during the last few years the administration, have absolutely refused to ask for any money under title III of the Defense Education Act. Instead, they want to give it all to the Elementary and Secondary School Act.

We in the subcommittee have fought successfully to put back a small part of what we used to furnish under title III of the Defense Education Act. I shall not go into detail but it is a highly effective part of Federal assistance to education. We fought it through last year and succeeded in getting a small amount put back. The sum was a few million dollars. It used to be over $100 million; it went down to $70 million; then it became less than that, until they cut it all out. They always add it on to these other programs. We were able to get a few million dollars back, but every dollar we put in we took from somewhere else, some of it from the elementary and secondary school program, and some of it from other programs. We came out with the same but it was the will of the subcommittee, then it was approved by the Committee on Appropriations, and then the Senate, and we carried it through conference; and for the second consecutive year we were able to get that money.

Mr. President, if this amendment is not adopted we in the Senate will have fixed it so that we cannot have a nickel for that program. We cannot have the option in the Committee on Appropriations of putting some money in that program if we take it from another program. These moneys are not untouchable. As a matter of fact, the subcommittee of which the distinguished Senator from Washington is now chairman has a record of holding down these funds. If we have gone wild anywhere we have gone wild on NIH and some of those very worthy projects. The money

has gone there to a great extent. If this amendment is not agreed to the door will be closed and the hands of the subcommittee and the Committee on Appropriations will be tied.

Even if this amendment is agreed to, none of these funds are untouchable by the committee and the Senate. There still remains a check. If I am not mistaken, if money is appropriated and it is given to the President, no power on earth can make him spend it if he does not want to. That is why I support the amendment.

Mr. BYRD of West Virginia. Mr. President, what the Senator has said is just as applicable to public works projects. We may appropriate moneys for public works projects but that does not mean they have to be or will be spent.

The Senate can do whatever it wishes to do in this matter. I do not have any particular feeling one way or the other. I am here today trying to manage the bill. I support the committee position and in this instance I think the committee is right.

Mr. President, I wish to read what Mr. Mayo had to say during the hearings:

Mr. MAYO. The reason we have mentioned specifically including amounts made available to carry out programs under the Elementary and Secondary Education Amendments, is that that is the only law, to my understanding, where, in substantive language, it says that the President, in effect, can't touch the education funds; that they are exempt from the ceiling by virtue of substantative language.

You could have erosion of the whole ceiling idea if bill after bill has substantive language that says, "Well, this takes precedence over any expenditures."

* * *

But the whole Office of Education is a $3.7 billion exemption which isn't something we can sneeze at.

* * *

I just wanted to make clear to all of you what we are trying to do, and I felt it necessary to mention the Elementary and Secondary amendments just because it is the only exception that I am aware of that, in effect, has tied the hands completely of the President in terms of areas that he can touch or can't touch in the so-called controllable area.

Mr. President, I have received telegrams today. I am sure the same telegrams have gone to other offices. I certainly would not speak in derogation of the people back in the States who sent the telegrams. If I were a State superintendent of schools I would be contacting my Senators also, and if I were a Governor of a State I would be contacting my Senators. I do not know how much good it would do in most instances but I might contact them. The Office of Education has been busy overnight. But if the health people back home know what the Senator's amendment might do to health programs—not directly of course but in effect—we would get calls and telegrams from the departments of health back in the States and I am not sure the Governors would be choosing sides as between education on the one hand, and health on the other.

I recognize and appreciate the appeal which the amendment has. It holds the same appeal for me. I think I have yet to vote for the cut of a single penny in the Office of Education. However, I am simply trying to support a position here which I think brings the equities up to where on one side they equal the equities on the other side, and gives the President an opportunity to establish priorities and say what should be cut and what should not be cut.

Mr. President, that completes my presentation and I am ready to vote.

Mr. PROUTY. Mr. President, I have the highest respect for the distinguished Senator from West Virginia. I think there is no other Member of the Senate who is more diligent, dedicated, competent, or who works harder at the job of being a Senator than my distinguished friend from West Virginia. I regret, therefore, that I cannot go along with his thinking in this respect. I do associate myself very definitely with the remarks just made by the distinguished senior Senator from New Hampshire (Mr. COTTON), who is a member of the Committee on Appropriations.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROUTY. Mr. President, in October of last year, during consideration of the vocational education amendments, the Senate approved an exemption of all education programs from the strictures of the Revenue and Expenditure Control Act.

This exemption was based upon the sound principle that education programs are among our Nation's highest priorities. I supported this mandate of priorities during consideration of the vocational education amendments. I now support continuation of the exemption of educational programs from any ceiling on Federal expenditures.

This year the House Appropriations Committee considered, but fortunately did not accept, Bureau of the Budget suggestions to repeal Office of Education expenditures from budgetary ceilings. The Committee on Appropriations has incorporated these Bureau of the Budget suggestions with regard to all Office of Education programs, except the impact aid for federally affected areas.

I cannot see the logic of exempting one Office of Education program while leaving other OE programs under funding restraints. Neither can I see the logic of having the Senate adopt language which may lead to budgetary savings at the expense of OE programs. The future of our Nation's children is at stake.

In the absence of the amendment proposed by the distinguished Senator from Texas, the present language of the Senate version of H.R. 11400 could destroy the utility of appropriations for educational programs which exceed the current budget estimates now before Congress. These requests have already come under scrutiny as being inadequate, and in view of this, I do not believe that language which allows further cuts would be in our Nation's interests.

While I am generally sympathetic to the objectives of the Revenue and Expenditure Control Act, I think its application to educational programs would be penny wise and pound foolish.

Mr. DOMINICK. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, I am going to be brief. I have been given the opportunity to serve on the Educational Subcommittee ever since I became a member of the Committee on Labor and Public Welfare, and I have enjoyed it. I think that the programs have been good. I think that we have worked them out carefully. We need some changes in them, and we are working on them now.

Personally, I believe that education is one of the great national priorities in this country; but I am concerned with this amendment and I would like either the Senator in charge of the bill or the proponent of the amendment, perhaps, to answer some questions.

Mr. BYRD of West Virginia. On which side is the Senator? Does he know yet?

Mr. DOMINICK. I do not know yet. That is what I am trying to find out. That is why I said either one.

Mr. BYRD of West Virginia. Let the Senator from Rhode Island answer. I have said enough.

Mr. DOMINICK. If the President is to make cuts, it is my understanding that he can point to HEW and make cuts out of the HEW program, as suggested by the Senator from West Virginia. It is also my understanding that he would probably be able to make cuts in the higher education program. Is that correct?

Mr. PELL. That is not correct. All of the activities under the Commissioner of Education are included in the present exemption. But, so far as going down and making cuts in the health programs, the President is not directed to HEW, he need not make any cuts in HEW programs, but could turn to the Defense Department, the Department of Transportation, or in the Commerce Department—wherever he wants.

Mr. DOMINICK. I understand that, but I understood from the wording of the amendment that the Senator was exempting only the ESEA program. Is that correct?

Mr. PELL. That is not correct. It continues the exemption on all programs under the Commissioner of Education.

Mr. DOMINICK. So that every program, whether higher education or lower education, is included as an exemption in the budgetary limitation.

Mr. PELL. All educational programs under the Commissioner. There are some educational programs in Defense and some of so-called educational programs under Labor.

Mr. DOMINICK. Yes; but I meant the ones under the Office of Education.

Mr. PELL. Right.

Mr. DOMINICK. Then, if all those educational programs are included, is there any other area which the Senator can think of, other than Health, on which I serve as ranking member of the sub-

committee, where they could make cuts in HEW if it seemed advisable to them?

Mr. PELL. Very small areas, such as the Office of the Secretary, but it will still remain the President's prerogative to decide, as the Senator from Massachusetts pointed out, where in the whole budget the cuts will be made, and the decision will be made, whether to take the "pound of flesh" out of Health, or out of one of the other Government agencies.

Mr. DOMINICK. The thing that concerns me, and still does concern me, I might say, which is why I wanted more time to be able to ask some of these questions, is a situation in which the Executive is asked to make an $x$ number of dollars cut, whatever it may be; and then the inclination, by and large, which I believe was followed by our previous President when this kind of restriction was put on, is to make cuts in all the agencies and thereby try to make the impact minimal on each one of them. That would be the normal thing, and one that I think is most essential be done. Where the President has a number of agencies which he thinks are important, and we except this agency from cuts, then we have, as someone put it earlier, a "sacred cow" which is not subject to this kind of action. Cuts can only be made in the health field, which is a political problem for anyone, and this is going to be very difficult for him to carry out.

Thus, what we are, in effect, doing is to exempt HEW totally from the areas within which the President might properly ask, under the law that we pass, for an allocation of the funds which need to be reduced. Is that correct?

Mr. PELL. That would be a matter of choice. The President might well decide to make a cut in NIH, or he might find other offices in which to offset a cut.

Referring to the Senator's point about a "sacred cow," there are other "sacred cows" already exempted, including our own legislative branch.

Mr. DOMINICK. That is correct, in the impacted area A funds. I am sure that the Senator from Rhode Island, under whom I serve, and with great pleasure, as he is chairman of the subcommittee, recognizes the problem with impacted area A funds, but I feel something has to be done about the proposal on cutting out the class B allocation of funds. In my particular State, and I am sure in many others, it will totally ruin our lower educational system and we have got to do something about it. So that exemption, I think, is perfectly legitimate. The area B funds are an area in which there are no funds proposed, and which we must do something.

It also strikes me that the funding in other areas in the educational field is probably not adequate.

It is not adequate, in my opinion, because I feel that education is a priority item. But I would hesitate to say, when we are looking at a child's upbringing, we are going to take education first and not include in it some of the other things, such as the health program that he is talking about, and a variety of other cultural programs which we have been trying to form to encompass the whole man concept. That is what bothers me. We seem to have put the people in such a terrible bind in this question. Frankly, I am no further along in my thinking on how to handle this problem than I was earlier.

The Senator from West Virginia (Mr. BYRD) pinpointed magnificently the very problem I am talking about. It is really a tough problem tc try to solve.

Mr. PELL. I appreciate the problem with which the Senator from Colorado finds himself confronted. While I am no great admirer of Ralph Waldo Emerson, who said:

> A foolish consistency is the hobgoblin of little minds.

If the Senator has not been able to make up his mind, I would hope that he would vote the same way he did last October.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. If the Senator is still in doubt, I suggest that the safest thing to do would be to stay with the committee.

Mr. DOMINICK. There are opposing recommendations from both sides, which is what I expected.

Let me ask one more question; then I shall be glad to yield the floor. Do I correctly understand the committee bill as it is written to mean that if Congress takes the necessary action itself to reduce appropriations to the level proposed, the President then would not have to do anything?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. DOMINICK. Fundamentally, that is the congressional authority that we are supposed to exercise. Is that not also correct?

Mr. BYRD of West Virginia. That is correct.

Mr. DOMINICK. Then what we are asking ourselves is: "Can Congress exercise enough responsibility to be able to take this action?" If we can, the President does not have to become involved in this problem.

Mr. BYRD of West Virginia. That is correct.

Mr. DOMINICK. I personally feel that more funding is needed than is suggested for health; that more funding is needed than is suggested for education, certainly in impacted areas; and probably in a number of other areas that I could point out.

The Committee on Armed Services is in the process of marking up the military authorization bill. It is one of the most difficult things I have been through in a long time. I do not think we have reached any decisions, but we are surely examining the bill very carefully. Obviously, efforts will be made both in committee and on the floor of the Senate to make changes in the proposed authorizations.

If we defeat this particular amendment, it seems to me that we will be saying that Congress is unwilling to discipline itself in order to get down to the figure that we think we ought to have. I would ask the Senator from West Virginia if that is not a valid statement.

Mr. BYRD of West Virginia. Yes, if the Senator refers to the committee amendment. I think that point can be made also of the whole enforced reduction. We are saying that if Congress does not have the necessary willpower or courage or foresight, or whatever might be required, to make at least a $1.9 billion reduction in controllable items, the buck is then passed to the President.

We are saying that about the whole bill, but we do have a responsibility, and we will have an opportunity to make this reduction ourselves.

Last year—I refer to fiscal year 1968—Congress reduced appropriations in the amount of $5,567 million. However, that amounted to only a $1,907 million cut in expenditures.

Mr. DOMINICK. I understand that.

Mr. BYRD of West Virginia. But in fiscal year 1969 Congress cut appropriations in the amount of $13,188 million. This amounted only to $3,803 million in expenditure cuts.

So if Congress were to make reductions in fiscal 1970, which I think it will overall—I think the public is demanding expenditure cuts—and if we are to judge by the experience of the past 2 years, certainly Congress will be making cuts that are commensurate with, or even in excess of, the reduction required in this bill.

Mr. DOMINICK. In terms of figures, can the Senator tell me how much the appropriations would have to be cut in order to get down to the expenditure level as proposed in the bill?

Mr. BYRD of West Virginia. I do not think any definite figure could be set, but I will again cite the action of the Congress in fiscal 1968 as an example almost on target. It cuts $5,567 million from appropriations. That resulted in an expenditure cut of $1,907 million—exactly what we are seeking here, except for the seven million.

Mr. DOMINICK. I thank the Senator.

Mr. BYRD of West Virginia. So what I am saying is that Congress or the President will have to make about three times as much reductions in appropriations as would be the resultant impact on expenditures.

Mr. MAGNUSON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virgina. I yield.

Mr. MAGNUSON. I am sure the Senator from West Virginia will be glad to advise the Senate on this matter. I attended the meetings. I did not vote for the language we have in this respect, but I voted to have the bill reported finally. I know there must be some good reason for this, but the Senator suggested the figure of $1.9 billion. How did he arrive at $1.9 billion? If we are going to take $1.9 billion out of expenditures, the Senator must have gone somewhere and taken some here and some there and some from some other place in order to reach that figure. I think that is why we are groping around here. Some of us would like to see some items cut. Others do not want to see cuts made in other

items. I think it would clear up matters a great deal if the Senator told us what items were deleted to make the $1.9 billion; what part came from education, what part from health, what part from public works, what part from any other items, to arrive at that figure. I could have asked the Senator at the meeting, but I did not get a chance to.

Mr. BYRD of West Virginia. I might answer that by simply saying, "Read the CONGRESSIONAL RECORD of what was stated on the floor yesterday and the day before." Senators who were present in this Chamber yesterday and the day before know the answer as well as I can explain it. I am not infallible, but I have done my best to explain it.

Mr. MAGNUSON. Can the Senator quote the RECORD?

Mr. BYRD of West Virginia. Yes; the Senator can quote ad infinitum, but all one has to do is read the RECORD. I do not say that disrespectfully.

Mr. MAGNUSON. I know.

Mr. BYRD of West Virginia. But anyone who reads the CONGRESSIONAL RECORD will have the answer; but I will state it again.

Mr. MAGNUSON. I have been holding hearings, myself, on appropriations for the last 4 or 5 days. We have not had much chance to be on the floor ourselves. We have been dealing with another "small" bill called defense appropriations.

Mr. BYRD of West Virginia. What the Senator says is true. All Senators cannot be on the floor at all times. I realize that, and I am sorry that I spoke as I did to the Senator.

Let me see if I can explain it in this way again. Last year the President's budget estimate was in the amount of $186.1 billion. Congress enacted legislation to force a $6 billion reduction, bringing the ceiling down to $180.1 billion. There was to be a $6 billion reduction in expenditures. Some items were exempted at the time, and other items were exempted later.

This year the committee sought to bring about what would amount again to a reduction of about $6 million in controllable items.

Mr. Nixon made a $4 billion reduction in the Johnson budget, and that was pretty difficult to do. The Nixon budget is $192.9 billion. The Johnson budget was $196.9 billion. So the President squeezed whatever water he could out of the budget, and squeezed it $4 billion worth. That left $2 billion that we sought to get at here to make a reduction total of $6 billion.

I perhaps should have prefaced all this by confronting the Senate with what it would have if we took the House proposal. If we were to take the House proposal, we would set the ceiling at $192.9 billion. That represents the President's budget estimate. We would take that as the ceiling, and we would say, "That is it. There are no programs exempt. Support for Southeast Asia is not exempt. Social security is not exempt. Railroad retirement is not exempt. Civil service retirement is not exempt. Foreign Service retirement is not exempt. Veterans pensions are not exempt. Interest on the national debt is not exempt. Farm price supports are not exempt. Postal operations are not exempt. Mandatory civilian and military pay increases are not exempt. Nothing is exempt. We have a $192.9 billion ceiling, and that is it. If Southeast Asia costs go up, make cuts elsewhere. If Treasury bill rates go up after Christmas, causing interest on the debt to rise, Mr. President, you have the last 6 months in the fiscal year in which to make an offsetting reduction somewhere else. You may have to cut off twice as many people in the last half of the fiscal year to reach an average for the whole year but the ceiling is rigid. You can make up your own mind. You can take it out of education. You can take it out of health. You can take it out of poverty. You can take it out of the manpower training programs. You can take it out of farm price supports. You can take it from anywhere you want to, but the total of Federal expenditures, controllable and uncontrollable, must stay within the $192.9 billion."

That would be unworkable, the committee felt.

Mr. MAGNUSON. Why? Why not let him make the decision?

Mr. BYRD of West Virginia. Very well. Support for Southeast Asia was estimated, as of May 20, to be $25.2 billion next year. This may be a controllable item, but it is certainly unpredictable. Let us say the war in Southeast Asia heats up, or next March, let us say, President Nixon comes to us and says, "Members of Congress, we have to make additional expenditures, which would be $2 billion above the $25.2 billion, for 1970 in Southeast Asia." Well, we would give it to him, but he would be faced with the $192.9 billion ceiling. He would have to cut out $2 billion in expenditures from other programs to stay within the $192.9 billion ceiling. The only way that ceiling could be raised, under the House bill, would be through Congressional action or inaction, and if Congress appropriated the additional moneys in response to the President's request, this would not constitute action by the Congress in the context of the House language. If the Congress appropriated an amount in excess of or less than the amount requested by the President, this would then constitute action by Congress to the degree that it varied from the President's request.

So, as I say, the President would have to make offsetting reductions elsewhere to stay within the House ceiling.

That would put him in a terrible straitjacket. I can then hear the telephones ringing: "Mr. President, don't cut my public works program. Mr. President, don't cut my poverty program. Mr. President, don't cut my farm price support. Mr. President, don't cut the education program; take it from somewhere else, but not here."

The Senate committee was confronted with this problem, so the Senate committee has sought to come up with an alternative; and in that alternative, we have tried to bring about roughly a $2 billion cut in expenditures which, when added to the $4 billion cut made by the President already, would make about the same size cut made last year.

I do not think there is any Senator in this body who would venture to wager that if the Appropriations Committee had not worked out some proposal providing for some kind of expenditure reduction some Senator on the floor would not have had us do it right here. We felt it was better, therefore, to work out a proposal in the committee than to try to hammer it out on this floor. So this was the best we could do.

This, I hope, explains the $2 billion target.

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

Mr. BYRD of West Virginia. If I may just finish one statement.

The exact figure of $1.9 billion comes from reducing the President's budget of $192.9 billion by $5 billion, to $187.9 billion, which would be a ceiling, and then by adding to that ceiling the estimate of the amount by which the expenditures in 1970 for uncontrollable items would exceed the amount spent in fiscal year 1969 for uncontrollable items, and the very best, latest, and most up-to-date estimate we could get from the Bureau of the Budget is $3.1 billion, as being the amount by which the uncontrollables next year will exceed the uncontrollables this year.

So we exempt that $3.1 billion, which in effect raises the $187.9 to $191 billion. That would be the new ceiling; and then the $191 billion, subtracted from the President's revised budget estimate of $192.9 billion, leaves $1.9 billion. That is how the figure was arrived at.

Mr. MAGNUSON. As I understand the Senator, then, he takes as his base figure that which we did last year. Is that correct?

Mr. BYRD of West Virginia. I see nothing wrong with that.

Mr. MAGNUSON. Assuming that Congress is going to do with the appropriations that which we did last year.

Mr. BYRD of West Virginia. Yes.

Mr. MAGNUSON. Namely, $6 billion under the budget.

Mr. BYRD of West Virginia. I will tell you why we did that.

Mr. MAGNUSON. But the Nixon budget is considerably less than last year's budget; so to arrive at the $6 billion, you would have to cut expenditures still further, would you not?

Mr. BYRD of West Virginia. I will tell you why we did that. We thought the President had reduced the budget as much as he could, getting $4 billion.

Mr. MAGNUSON. Yes; that is what I think.

Mr. BYRD of West Virginia. I will tell the Senator why we took $6 billion: Not only because that is what Congress enacted last year as a forced reduction, but also because it has worked out in practice just about that way. Congress and the President together actually made about a $6.7 billion reduction in expenditures in fiscal year 1969; but the increase in uncontrollables has reached $6.2 bil-

lion, which, except for the difference of $.5 billion, washed out the expenditure. So the one just about balances the other.

We take the same figure, $6 billion, and have an alternative to what the House of Representatives has proposed which we think is uncertain, indefinite, and unworkable.

Mr. KENNEDY. Mr. President, I should like to discuss with the Senator from Rhode Island the relationship between the authorizations and the appropriations for the Office of Education.

As I understand it, since 1967, going through 1968, 1969 and then fiscal year 1970, in President Johnson's budget and now in the present administration's budget, we have had rather dramatic and significant reductions in education appropriations relative to authorizations. First of all, the absolute amount of funds appropriated or requested has recently been dropping. Second, with regard to those funds authorized, we have seen a very dramatic reduction in the percentage of funds which have actually been appropriated of those that were authorized.

Mr. PELL. That is my understanding of the sad history of education authorizations, appropriations, and budget requests.

Mr. KENNEDY. Mr. President, I should like to read some figures, in each case referring to fiscal years. In 1967, there was authorized $4,638,921,402, and appropriated $3,676,595,967. Percentagewise, that means that in 1967, 84 percent of the funds that were authorized for Office of Education programs were actually appropriated.

In 1968, approximately $6.4 billion was authorized, and approximately $4.1 billion was actually appropriated, giving us 63 percent of the authorized funds actually appropriated.

In 1969, there was $7.4 billion authorized, and only $3.6 billion actually appropriated, making 49 percent of the authorization that was appropriated.

In 1970, $8.8 billion is authorized, and $3.5 billion, or 40 percent, was recommended in President Johnson's budget.

In 1970 under the Nixon budget, we still have the same authorization, which is $8.8 billion, but we have only $3.2 billion requested, which is only 36 percent of the funds that was authorized for the Department of Education.

This is extremely serious and genuine cause for alarm, when we see such sharp cutbacks in percentage of authorizations actually appropriated or requested—and in absolute appropriations in an area as critical as education. When we talk about including the Yarborough amendment in this bill, what we are really saying is that a cut back to 36 percent of authorizations is certainly too much, and that above all, we do not want the figure reduced any further.

As to the question of whether this is an unreasonable kind of position to take, given the history of this provision, which shows that the Office of Education was permanently exempted last year and that the House retained the exemption and did not knock it out in this bill, I think that this really dramatizes the significance and the importance of the Yarborough amendment in terms of priorities and in terms of the priority we place on education.

Mr. PELL. That would appear to me to be absolutely correct.

In addition to that, if there was ever an item that should be all growing, it is education, where the demand, the number, and the needs are moving upward with far more unpredictability than I would hope would farm support prices, interest on the national debt, and other so-called uncontrollable items.

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

Mr. PELL. Certainly.

Mr. SYMINGTON. In support of the position taken by the Senator from Massachusetts, we have been hearing this afternoon the cost of the Vietnam war and of course want to support our men. But it is my understanding that cost is less than one-third of the total military budget; and we all know, based on superb work done by the Senator from Wisconsin in the Joint Economic Committee, that there is heavy waste in the military budget.

A figure had been given that the original budget for ammunition alone in Vietnam—and I certainly want to see as much ammunition as is necessary out there—was more than double the total amount of Federal money, primary and secondary, requested for aid to education.

When I called attenion to this matter, the answer was, "Yes, but we have heavily cut the money for ammunition, primarily because of the reduction in B–52 raids."

So I looked into that, and found it correct; but after that reduction, the remaining amount appropriated was still more than double the total requested for primary and secondary education.

As the Senator knows, I am one who for many years, on this floor, has been advocating a reduction in expenditures. But I believe a reduction in expenditures for further education of American youth at this time would be just as inadvisable as a reduction in military expenditures, where now it is so clear we have much waste, would be advisable.

I thank the Senator.

Mr. PELL. Mr. President, I concur with the Senator from Missouri and point out that the amendment merely continues the present practice of exempting education.

I ask unanimous consent at this time to add to the list of names of 36 Senators already cosponsoring the amendment the names of the junior Senator from Connecticut (Mr. RIBICOFF), the junior Senator from New Hampshire (Mr. MCINTYRE), and the junior Senator from Washington (Mr. JACKSON).

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

Mr. PELL. I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of expenditures—not authorizations, not appropriations, but expenditures—by the Office of Education covering the years 1965 through 1970.

I also ask unanimous consent to have printed in the RECORD a tabulation covering expenditures by the Department of Health, Education, and Welfare for health programs in those same years.

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

OFFICE OF EDUCATION

| | 1965 | 1966 | 1967 | 1968 | 1969 | 1970[1] |
|---|---|---|---|---|---|---|
| Controllables: | | | | | | |
| Elementary and secondary: | | | | | | |
| BA | 97 | 1,308 | 1,457 | 1,668 | 1,477 | 1,415 |
| Outlays | 68 | 937 | 1,365 | 1,479 | 1,370 | 1,402 |
| Higher education:[2] | | | | | | |
| BA | 653 | 1,124 | 1,541 | 1,260 | 812 | 796 |
| Outlays | 162 | 373 | 777 | 1,058 | 1,057 | 1,083 |
| Vocational education: | | | | | | |
| BA | 166 | 253 | 278 | 263 | 248 | 279 |
| Outlays | 124 | 132 | 244 | 259 | 242 | 255 |
| All other programs: | | | | | | |
| BA | 192 | 209 | 283 | 378 | 577 | 518 |
| Outlays | 128 | 113 | 230 | 309 | 386 | 597 |
| Subtotal, controllables: | | | | | | |
| BA | 1,108 | 2,894 | 3,559 | 3,569 | 3,114 | 3,008 |
| Outlays | 482 | 1,555 | 2,616 | 3,105 | 3,055 | [1]3,337 |
| Uncontrollables: | | | | | | |
| Impacted areas: | | | | | | |
| BA | 390 | 438 | 469 | 530 | 521 | 202 |
| Outlays | 350 | 410 | 447 | 506 | 406 | 400 |
| Vocational education, permanent: | | | | | | |
| BA | 7 | 7 | 7 | 7 | 7 | 7 |
| Outlays | 7 | 4 | 6 | 6 | 7 | 7 |
| Land grant colleges, permanent: | | | | | | |
| BA | 3 | 3 | 3 | 3 | 3 | 3 |
| Outlays | 3 | 3 | 3 | 3 | 3 | 3 |
| Subtotal, uncontrollables: | | | | | | |
| BA | 400 | 448 | 479 | 540 | 531 | 212 |
| Outlays | 360 | 417 | 456 | 515 | 416 | 410 |
| Grant total: | | | | | | |
| BA | 1,508 | 3,342 | 4,038 | 4,109 | 3,645 | 3,220 |
| Outlays | 842 | 1,972 | 3,072 | 3,620 | 3,471 | [1]3,747 |

[1] Nixon budget proposals.
[2] Including construction loans and grants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—HEALTH PROGRAMS 1965–70

[In millions of dollars; omits medicare, medicaid, etc., which are uncontrollable]

| | 1965 | 1966 | 1967 | 1968 | 1969 | 1970[1] |
|---|---|---|---|---|---|---|
| Health manpower (medical schools and health professions student): | | | | | | |
| BA | (2) | 119 | 196 | 164 | 172 | 218 |
| Outlays | (2) | 25 | 62 | 72 | 109 | 161 |
| NIH and NIMH (including St. Elizabeths Hospital) (cancer, heart, arthritis, and other diseases): | | | | | | |
| BA | 1,071 | 1,248 | 1,406 | 1,738 | 1,586 | 1,600 |
| Outlays | 790 | 914 | 1,156 | 1,457 | 1,436 | 1,606 |
| Hospital construction (Hill-Burton): | | | | | | |
| BA | 267 | 303 | 314 | 293 | 258 | 154 |
| Outlays | 203 | 200 | 208 | 259 | 232 | 278 |
| Direct care (PHS and Indian hospitals): | | | | | | |
| BA | 127 | 141 | 155 | 167 | 185 | 192 |
| Outlays | 126 | 132 | 147 | 159 | 185 | 190 |
| Partnership for health: | | | | | | |
| BA | | | 4 | 141 | 176 | 214 |
| Outlays | | | | 63 | 146 | 186 |
| Regional medical programs: | | | | | | |
| BA | | 25 | 45 | 59 | 62 | 100 |
| Outlays | | | 4 | 24 | 51 | 87 |
| Other public health: | | | | | | |
| BA | 461 | 419 | 572 | 376 | 390 | 356 |
| Outlays | 284 | 322 | 444 | 365 | 389 | 384 |
| Total: | | | | | | |
| BA | 1,926 | 2,255 | 2,692 | 2,938 | 2,829 | 2,834 |
| Outlays | 1,403 | 1,593 | 2,021 | 2,399 | 2,548 | 2,892 |

[1] Nixon budget proposals.
[2] Not separately identifiable.

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

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, would the Senator mind reading those figures into the RECORD for the benefit of those Senators who are present?

Mr. BYRD of West Virginia. Certainly. Mr. President, for the health activities of the Department of Health, Education, and Welfare, the outlays in 1965 amounted to $1.4 billion. In 1970, the outlays for health activities will amount to $2.9 billion. In other words, the expenditures were doubled for health activities in the period 1965 to 1970.

The outlays by the Office of Education for education in the year 1965 was $842 million. That figure starts lower, of course, than the expenditures for health in that year. However, in 1970, education expenditures had risen to $3.7 billion, which is roughly 400 percent higher for education than in fiscal year 1965, as compared with an increase of about double for the health activities in the same period.

Again by way of comparison, the final figure in fiscal year 1970 for education is $3.7 billion and $2.8 billion for health.

Mr. TYDINGS. Mr. President, I rise to urge the Senate to amend title IV of H.R. 11400 to continue to exempt educational programs from the strictures of the budget ceiling.

When the educational exemption was enacted last October, the Congress properly placed itself on record as recognizing the importance of education to our national development. In effect, we were telling the executive branch that our national priorities demanded that needed budget cuts come elsewhere.

The House-passed version of H.R. 11400 preserves the exempt status of education from the expenditure limitation. However, the phrase, "including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable," found in section 401(b) of the Senate version of H.R. 11400 constitutes a specific negation of the education exemption.

If enacted, this phrase will serve as a Senate invitation to the Bureau of the Budget to impound increases for education. Congress may vote in the Labor-HEW Appropriation Act of fiscal year 1970 and use these funds for other programs. In view of the urgent need to improve and expand American education, such a development would indeed be tragic.

Therefore, it is my fervent hope that we will move to amend title IV of H.R. 11400 to remove this dangerous phrase.

Mr. President, our Nation has made great strides in increasing the availability of a college education. Years ago a college degree was an accoutrement of social class, a privilege reserved for the rich. As our Nation grew, so did the number of colleges and universities. Government made a tremendous contribution to this growth in higher education. Today, any academically qualified student is virtually assured of admission to college.

But the assurance of admission does not mean that the academically qualified student is assured of a college education. Tuition charges and educational expenses are substantial, even at public universities; and each year these expenses rise 5 to 10 percent. Many students are unable to meet the costs of college. Thus, in America today, a financial test is still imposed on those who would seek a college education.

Many forms of financial aid are provided by the Federal Government for meeting the costs of college. But for some qualified students, this aid is not enough. In many cases it is simply impossible for the student and his family to make up the difference. I believe that the Government has an obligation to help, through the educational opportunity grants program, to make college education truly available to all.

Not only does EOG close the financial gap, but the direct grant it offers may be the decisive factor in convincing the qualified student that college can be a reality for him. For those in the backwash of our prosperous economy, the prospect of 4 years of financial struggle, and incurring debt of thousands of dollars, all for the seemingly remote possibility of securing a share of the economic well-being that has heretofore passed him by, may appear an insurmountable obstacle. An EOG grant to such a student can not only assure him that the costs will be met if he does his part, but it can also serve as a certification of our faith in him, to convince him that the commitment to college he is about to make is a worthwhile one.

The restoration of $16 million to the educational opportunity grants program will mean that, for the coming academic year, college education will be available to 32,000 more students. Every day we spend over five times that amount in pursuit of "victory" in Vietnam—in the form of brief control of a barren jungle hill, or impermanent vindication of a questionable foreign policy.

In contrast, this supplemental appropriation for EOG will be spent to build, rather than to destroy, the lives of our youth. It will be a lasting investment in America.

In strict economic terms alone, the benefits of such an investment are great. With the increased earning power of college graduates, the recipients of EOG grants will be able to make better lives for themselves and their families. And they will make a substantially greater contribution to our economy as a whole.

But perhaps even greater than the economic benefits are the social ones. We have always been proud to say that ours is an open society, in which everyone has the opportunity to advance freely. But for too long, that promise has been an empty one. A college education is an important tool which the deprived can use to take advantage of the opportunity for free advancement. But to those for whom financial requirements bar the door to college, true freedom of opportunity is indeed a myth. The resulting disillusionment and apathy not only poisons the lives of those directly affected, but weakens American society. Self-respect for all Americans can only come when the hopelessness borne of economic deprivation is eradicated.

The educational opportunity grants program is structured so as to be optimally effective in making available a college education. First, a student is only eligible if the costs of his education are not covered by other available forms of aid and self-help. This insures that Federal funds are spent only on those who would not otherwise be able to go to college. Thus, as the student continues through college, it is less likely that he will need an EOG grant. In fact, of the 123,000 students who received an EOG grant during the 1966–67 school year, only 28,200, or 23 percent, will be receiving a grant 3 years later, in the coming 1969–70 school year. Yet without the initial grant, college would have been impossible for all of these students.

Second, the recipient must match his EOG grant with aid from other institutional sources. The program thus promotes cooperation and coordination among various institutional sources of aid, and encourages the private sector to contribute its share.

Third, since work-study funds now qualify for matching EOG grants, the Government aid provided to the recipient takes the form of enabling the student to help himself. Between one-fourth and one-third of the funds used to match EOG grants are provided by work study. In those cases where self-help is not enough, EOG makes up the difference—but still lets the student make a full contribution on his own.

In addition, the EOG program serves all our citizens, black, Indian, oriental, and caucasian—if they have the requisite financial need. In fact, a high percentage, almost 75 percent of EOG recipients are not Negroes. And it enables them to attend all kinds of institutions; 60 percent of the recipients attend public universities, and 40 percent attend junior colleges.

We must not forget that a college education, which the educational opportunity grants program makes available, may not be the appropriate tool with which all the economically deprived can improve their lot. But those with financial need who are qualified for college must not be shut out of American life. The restoration of $16 million to the educational opportunity grants program means that the door to full participation in our society will be opened wide.

Mr. HARRIS. Mr. President, I rise in support of the amendment introduced by the distinguished senior Senator from Texas. Without a favorable vote on this amendment, we will undo one of the most constructive steps taken last session when we supported the principle that the education programs passed for the benefit of our Nation's children and youth should be exempt from any administrative cuts necessitated by spending limitations.

Last year, by exempting these education programs from such cuts, we stated clearly that education was to be given a top priority. Are we ready so soon to repudiate this action?

If we do, our actions will speak very clearly for us. We will say to the young people who are only now beginning to benefit from the educational programs designed to enhance the educational opportunities of the disadvantaged that we do not think these programs are really worth protecting.

We will say to educational administrators, on the State and local levels, who thought they could plan based on certain projected levels because these were programs specifically exempt from cuts, that you cannot count on Congress because we removed this assurance at the first opportunity which presented itself.

It is indeed a paradox that while enjoying the fruits of unequalled prosperity, this Nation may spend less for education next year. The need for increasing our commitment to the continued improvement of our educational system has not lessened, and we must not weaken our commitment to this worthwhile objective.

I hope this amendment will be adopted so that we may be certain that the education of our youth is to remain as one of the top priorities of this Nation.

Mr. BYRD of West Virginia. May we have a vote, Mr. President?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island (Mr. PELL) on behalf of the Senator from Texas (Mr. YARBOROUGH), and other Senators to the committee amendment on page 71 of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. Moss), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

The result was announced—yeas 52, nays 54, as follows:

[No. 37 Leg.]

YEAS—52

| | | |
|---|---|---|
| Allen | Harris | Murphy |
| Bayh | Hart | Muskie |
| Brooke | Hartke | Nelson |
| Burdick | Hatfield | Pastore |
| Cannon | Hollings | Pell |
| Case | Hughes | Percy |
| Church | Inouye | Prouty |
| Cotton | Jackson | Randolph |
| Cranston | Javits | Ribicoff |
| Dodd | Jordan, Idaho | Schweiker |
| Dominick | Kennedy | Scott |
| Eagleton | Magnuson | Spong |
| Fong | Mathias | Symington |
| Fulbright | McCarthy | Tydings |
| Goodell | McGovern | Williams, N.J. |
| Gore | Metcalf | Young, Ohio |
| Gravel | Mondale | |
| Griffin | Montoya | |

NAYS—43

| | | |
|---|---|---|
| Aiken | Ellender | Pearson |
| Allott | Ervin | Proxmire |
| Baker | Fannin | Russell |
| Bellmon | Goldwater | Saxbe |
| Bennett | Gurney | Smith |
| Bible | Hansen | Sparkman |
| Boggs | Holland | Stennis |
| Byrd, Va. | Hruska | Stevens |
| Byrd, W. Va. | Jordan, N.C. | Talmadge |
| Cook | Long | Thurmond |
| Cooper | Mansfield | Tower |
| Curtis | McClellan | Williams, Del. |
| Dirksen | Miller | Young, N. Dak. |
| Dole | Mundt | |
| Eastland | Packwood | |

NOT VOTING—5

| | | |
|---|---|---|
| Anderson | McIntyre | Yarborough |
| McGee | Moss | |

So the amendment offered by Mr. PELL on behalf of Mr. YARBOROUGH and other Senators to the committee amendment on page 71 was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I wish to thank the Senator from West Virginia (Mr. BYRD) for the courtesy, care, and handling of the amendment. I also wish to pay great credit to the Senator from Texas (Mr. YARBOROUGH) for without his original impetus-groundwork and message to so many of our colleagues this amendment would not have carried. I regret that he could not be with us today, but even in his absence, he played a very important role in the passage of this measure.

Mr. BYRD of West Virginia. I thank the Senator for his remarks. The Senator is to be congratulated for his excellent presentation of the matter here today. I wish to express congratulations to the distinguished Senator from Texas, in absentia, who did an excellent job yesterday in lining up sponsors for the amendment. Had he not done so, the amendment may not have fared quite so well today.

## PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the manager of the bill whether he can anticipate how many other amendments are pending.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senate will be in order.

Mr. MANSFIELD. Mr. President, may we have the Chamber cleared.

The PRESIDING OFFICER. The Chair requests that the Chamber be cleared of all unnecessary personnel.

Mr. YOUNG of Ohio. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. YOUNG of Ohio. Mr. President, I can see a number of attachés who do not have any business here. I ask that the order of the Chair be enforced.

The PRESIDING OFFICER. The Sergeant at Arms is requested to carry out the order of the Chair.

The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I thought perhaps the manager of the bill could inform Senators as to other amendments he anticipates.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. In response to the query from the distinguished and very able minority leader, I think I should state that the vote now recurs on the committee amendment as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I think I should ask for a rollcall on the committee amendment as amended because we have to go to conference with the amendment.

Then, I would anticipate a vote on the committee amendment repealing section 201 of the Revenue and Expenditure Control Act of last year. That measure deals with the 3-out-of-4 vacancies proposition. I assume the able Senator from Delaware will oppose the amendment and I would further assume that we might have a rollcall vote thereon.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. The Senator is correct. Inasmuch as the merits of our argument are recognized the Senate might just reject the amendment.

Mr. BYRD of West Virginia. I would anticipate a rollcall vote on the amendment to be offered by the distinguished Senator from New York (Mr. JAVITS).

I would hope we could have those three votes and if we can I think the chances might be good, if the hour is not too late, for us at that point to have a final vote on the bill.

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

Mr. BYRD of West Virginia. I yield.

Mr. MAGNUSON. I have an amendment on which I presume there will be a rollcall vote.

Mr. DIRKSEN. Mr. President, that would make four yea-and-nay votes, and we have two orders recognizing Senators who wish to make speeches.

Does the Senator anticipate finishing the bill today?

Mr. BYRD of West Virginia. I wish to say that my earlier anticipation of finishing the bill today is becoming more clouded by the minute.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

## 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. BYRD of West Virginia. Mr. President, I would like to express the hope that we can now proceed to vote on the committee amendment as amended.

The PRESIDING OFFICER. The question is on——

Mr. MAGNUSON and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be stated.

The assistant legislative clerk read as follows:

After line 16, page 71, insert the following new paragraph 5:

"(5) the programs of health under the Department of Health, Education, and Welfare."

Mr. MAGNUSON. Mr. President, I shall be very brief. My amendment is the same as the amendment offered by the Senator from Rhode Island, except that it applies to health and other programs of the Department of Health, Education, and Welfare.

Since the other amendment was accepted, mine may be somewhat in self-defense. I think that we who handle the HEW appropriation are going to be placed in an unfortunate position if it is possible for the President to cut the HEW budget, which he may well do, and take it all out of health programs.

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

Mr. MAGNUSON. I yield.

Mr. DIRKSEN. Why not include public works and the school lunch program?

Mr. MAGNUSON. I might.

Mr. DIRKSEN. Let us put in all the rest.

Mr. MAGNUSON. I might put in public works.

Mr. President, it is difficult for me to differentiate between health and education. I think they go hand in hand. As in the case of many Senators, I have tried to do my part and have accepted the responsibility for the health, education, and welfare of the Nation. I do not think we have gone too far on appropriations for health. I have been associated with this matter for a long time. The first bill I introduced in Congress that was passed was in 1938; it established the Cancer Institute. I was then a Member of the House of Representatives. The Senate passed this bill unanimously. As I recall, the bill was introduced in the Senate by the distinguished Senator from Washington, Homer Bone. The bill had 95 cosponsors out of 96 Senators. One can understand, therefore, why it passed unanimously. That was the beginning of the National Institutes of Health, which was more or less devoted, at that time, to military research—and it was doing a fine job—but it was the beginning also of all those important nonmilitary medical programs we now call the National Institutes of Health.

I remember we finally got the then-enormous sum of $1 million to start it, because it was during the war. There was a very distinguished resident of Maryland, a widow, whose husband had died of cancer, and she donated the land in Bethesda where the NIH is now located and where her house still stands. The Bethesda Naval Hospital, which became a part of this great complex, is located there too.

Over the years, even during the war years, we kept alive a program of Government research—a program that has been greatly expanded since. The Government, of course, has not done it all, but it has been responsible in many cases for putting the seed money into laboratories, medical schools, and other schools which have done such good work in so many fields.

As a result, good doctors, good laboratories, and trained personnel working in all the various programs made possible the increase in life expectancy of the American people by 7.6 years in the past 17 years alone. That is worthwhile, is it not? If only the life insurance companies would adjust their rates accordingly! Just think of it—7.6 years longer to live. Yet, there are those who suggest that this may have been too much. Sometimes we do get carried away emotionally on the subject of health. But I say Government expenditures along this line have been most worthwhile over the years.

Mr. President, the Appropriations Subcommittee on Labor and Health, Education and Welfare, under the able chairmanship of the former Senator from Alabama, Mr. Hill, has done a good job in keeping this money flowing. I suspect that Congress will not be miserly this year, but if the budget on health is apt to be cut disastrously, it will slow up some projects that we know are now in the process of bearing fruit.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I want to say that I favor the Senator's amendment. I have been on the Appropriations Committee for 9 years, and during all of those 9 years I have served on the Subcommittee on Health, Education, and Welfare, 7 of those 9 years as ranking minority member.

I had the privilege of working with our beloved former Senator from Alabama, Lister Hill. We sought to be reasonable and not to be carried away by emotion, as the Senator from Washington just touched upon. For instance, last year, when he had to face the fact that in dealing with the artificial kidney, we were dealing with a situation where, at present, doctors are compelled to decide who lives and who dies because of the fact that there are only so many kidney machines available and research is going forward now to try to make them general so that we do not have to confine them to certain individuals. That research has not been completed.

I am confident that under the leadership of the Senator from Washington, with whom I have been privileged to work with all these years, the committee will handle this most carefully.

I have constantly been in the position of keeping down appropriations, but this is in a very sensitive area, a humane area, and I feel that it is one which is in an entirely different category from public works, or any other.

I commend the Senator from Washington for offering the amendment, and heartily support it.

Mr. MAGNUSON. I thank the Senator. We have made so much progress that it goes almost unnoticed—people take it for granted. We have abolished many of the TB wards in the 179 veterans hospitals in this country. There are, of course, a few TB patients left, but we used to have large wards all over the country. We have also made great progress in heart diseases and in all kinds of nervous diseases.

One reason I am concerned about this—and I am going to tell the Senator from West Virginia that we are going to be reasonable—is that I do not want to be limited in advance if we need to do something new and dynamic in the field of health.

One of the things that very few people in this country realize is that every other bed in a veterans hospital is a mental case. Just think of that—every other bed in a veterans hospital is a mental case—50 percent. Many people walking around, who do not have the benefit of a veterans hospital, are also victims of mental illness. We are making great progress in that field through research. Federal Government funds are being used to test tranquilizers and the whole program of

mental health. We hope, of course, that the proportion of Federal funds can be cut down.

One other thing, we used to be able to do research directed to this program. I am just citing some examples. If a person lost a leg, it would take weeks and months before he could be fitted with an artificial leg. Sometimes it took a year.

Now we have a new process evolving, through funds available for research, where a man can be fitted with an artificial leg in 3 weeks.

We have got a long way to go in the field of cancer. I am somewhat disappointed in the rate of progress, but it is a fact that we have saved literally thousands of lives with what we have learned so far.

The so-called Pap test for women, for example, has saved literally hundreds of thousands of lives because we had the seed money available for research.

Mr. AIKEN. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. AIKEN. I was necessarily absent from the floor yesterday and did not hear the debate, but I am wondering why, if a reduction in appropriations for expenditures for fiscal 1970 is so desirable, should not the Senate face up to the situation and limit appropriations for each department for 1970 instead of including the limitation as an amendment—virtually an amendment—to a supplemental bill for 1969 which applies only to appropriations which are expendable during the next two weeks? Why do we not face up to that——

Mr. MAGNUSON. I thoroughly agree with the Senator.

Mr. AIKEN. And assume our proper responsibility?

Mr. MAGNUSON. I was sure that we would not do that on the supplemental but we did. We had to do something. I will say to the Senator from West Virginia that we had experience with an alternate. If I had my way, I would have cut the language out altogether and gone to conference.

Mr. COTTON. As a matter of fact, will this not be a vote of no confidence in ourselves?

Mr. MAGNUSON. Yes.

Mr. AIKEN. Absolutely.

Mr. MAGNUSON. I agree with the Senator, but as long as welfare is exempted, and as long as education is exempted, we cannot fail to exempt health as well.

I do not want to be in the position, since I handle the multibillion-dollar appropriation bill for HEW, of having the cuts taken out on health.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, that is the argument I was making against the preceding amendment.

Mr. MAGNUSON. I do not disagree with the Senator on the basis that we had to have an alternative to the House provision. We would be better off if the House had done nothing. We are going to save money, but I will not know which programs should be cut out and which should not be cut until our subcommittee holds hearings.

Mr. AIKEN. If the House limitation of $192.9 billion was wrong, is the Senate limitation of $187.9 billion better? How does that make it better?

Mr. BYRD of West Virginia. The answer is not that easy. It is not a matter only of saying that $192.9 billion is wrong and $187.9 billion is right. It is a question also of whether we want to take $192.9 billion and say, "that is it. There are absolutely no exemptions from that. Whether they are uncontrollable, mandatory, unpredictable, fixed—whatever—there are no exemptions."

I think I understood it was also said that what we should have had from the committee was nothing; we should just have stricken the House provision and gone to conference. Well, we have been doing that too long. The Senate has an equal responsibility to legislate here. Let us do what we ought to—that should be the approach—and then go to conference and wrestle with it there. I do not want to go to conference after doing nothing except to strike the House provision. I have been in conferences with the House Members. They are tough. If the Senate wants a reduction in Federal expenditures, it should take a stand. If it does not want a reduction, it should take a stand. If it wants to present an alternative for the House-Senate conferees, that alternative should be hammered out on the anvil of discussion. The committee has proposed an alternative to the harsh proposal offered by the other body. The Senate now can vote as it wishes on that alternative. I will not lose sleep tonight over the Senate's decision. I have already lost sleep over it. Senate conferees should go to conference with a definite proposal in a matter of this nature unless it wishes to agree with the House proposal. That is why we have wrestled and worked on this, so we can go to the conference and say, "Here is the Senate's proposal. Now let us sit down and reason together"—in the words of a former President—"and resolve our differences." But to merely strike it out and go there would result in our being at the full mercy of the House, which has perhaps had rollcall after rollcall, in committee and on the floor. I think we ought to try to come up with something we think is better. The House conferees may prevail in conference, but they will have to prevail through persuasion and by showing us they have a better proposal than that which the Senate has developed. Perhaps the end result will be a modification and blending together of the two proposals.

Mr. MAGNUSON. I am sure the Senator from West Virginia will agree that the Senator from Washington has a job to do on the Appropriations Committee, too.

Mr. BYRD of West Virginia. Yes; and the Senator from Washington does it well.

Mr. MAGNUSON. I have been on the Appropriations Committee for many, many years. What I was bothered about was that we are now just starting on HEW appropriations. The House has not passed that bill. I do not want to see, in a supplemental bill, rules and guidelines that tie our hands in advance. We would be waiving our responsibility to make our own decisions, based on the facts and evidence relating to Health, Education, and Welfare. That was the only thing that bothered me about it. I think I should do what I have proposed—if the Senator wants to put a limitation on my appropriation after I bring the appropriation before the Senate, the Senate can work its will. Right now I agree with the Senator that when we start on the Health, Education, and Welfare appropriation, with the bill as it now stands, health is going to be at a disadvantage.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield on this point, the Senate and House can still make cuts in excess of the $1.9 billion if desired. The Senator's committee can still make cuts regardless of what is provided here.

Mr. MAGNUSON. Does the Senator mean the Senate does not have to follow this?

Mr. BYRD of West Virginia. The Senate can cut or not. It does not bind the Senate's hands. But the reduction will have to be made by someone—the Congress or the President.

I think there is good argument in having this matter thrashed out on the supplemental appropriation bill. We are almost at the end of the fiscal year. We are almost at the beginning of the new fiscal year. This is the time to enact a forced reduction in Federal spending, so the President and the Congress both will know at the beginning just how much of a cut will have to be made during the fiscal year. If Congress waits until the new fiscal year is half gone before making a decision to enact a forced spending reduction, the implementation of that reduction will be more difficult and the swing of the ax will have to cut deeper to make the whole year average come out the same as if action had been taken at the start of the new fiscal year. Now is the time, and the best time, to make that decision, before the new year starts on July 1. If the Senator does not wish to vote for a reduction now, it is perfectly all right with me.

Mr. MAGNUSON. I am sure it will be all right with the Senator. The Senator and I each vote our own way in accordance with our own conscience. We have done this for a long time. As a matter of fact, one of the nice things about the Senate is that it does not seem to change the respect of Senators for each other for them to vote their honest opinions, which may be different.

I would not have brought this matter up if it were not for the fact that the two big items of HEW are exempt. Yet here is health standing vulnerable by itself. I know what we have done in the field of health. I know the Senate wants to do what it can. We will do our share in keeping appropriations at a reasonable level.

For years, I handled the Independent Offices appropriations. Last year that bill was cut a great deal. Over the years we have cut about $6 billion out of that bill. Those cuts are sometimes easier to do there than in the field of health.

I am not going to be emotional about it, but I cannot separate health and education in this country. I think they go together. That is why I submitted the amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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## IN THE MATTER OF THE MINORITY LEADER

Mr. GOODELL. Mr. President, on the morning of January 15, 1969, Dr. John H. Knowles, an eminent Massachusetts physician, was invited to Washington by the then Secretary-designate of Health, Education, and Welfare, Robert H. Finch, and offered the position of Assistant Secretary of Health and Scientific Affairs, the No. 1 health job within the gift of the executive branch to give a medical doctor.

Dr. Knowles accepted.

Since that offer was made and accepted, one hundred fifty-three days have come and gone and yet the matter of Dr. Knowles' appointment has never come before the Senate of the United States.

The question, of course, is why?

Is it, Mr. President, a question of Dr. Knowles' qualifications?

Obviously, the Secretary of Health, Education, and Welfare does not think so. The President of the United States does not think so. The American Public Health Association, the Association of American Medical Colleges, the American Nurses Association, and the American Hospital Association—they, together, do not think so. Nor do I believe that a majority of the Senate, if given the opportunity to do so, would do anything less than vote overwhelmingly to confirm Dr. Knowles as Secretary of Health and Scientific Affairs, and thereby enthusiastically endorse his qualifications.

If I may, Mr. President, let me tell you why I believe Dr. Knowles deserves, if nothing more, a chance to be considered by the Senate of the United States.

First, on the basis of his record alone, he is unquestionably qualified to be the Secretary of Health and Scientific Affairs.

Qualified, because as Director of the Massachusetts General Hospital, Dr. Knowles, in assuming the leadership of a great hospital, helped to make it even greater. That quality, the quality of leadership, is of vital importance to the top health job in the U.S. Government.

Qualified, because during the 7 years he has been director of Massachusetts General, Dr. Knowles has sought to broaden the ways in which a hospital can serve the needs of a great city, and his success in this critical area is acknowledged by even his critics.

Qualified, because Dr. Knowles, though responsible for administration, has never lost sight of a doctor's first calling—caring for his patient's needs. This able man sets aside 2 months out of every year to work as a physician in the wards of Massachusetts General.

Qualified, because with all of his responsibilities, as varied and as difficult as they are, Dr. Knowles has still found the time to write more than forty papers and a textbook on respiratory physiology, while at the same time becoming a cardio-pulmonary specialist.

Qualified, because as a member of the American Medical Association, Dr. Knowles has participated in many long-range planning studies to improve the quality of medical help in this Nation, and knows, perhaps better than most of his peers, that the AMA can make an even greater contribution to national life.

Qualified, because as a sometimes lecturer at Harvard University, Dr. Knowles understands the critical need for more physicians in the United States, and the great difficulties we are going to encounter unless we can find a way to interest more young men and women in the medical profession.

For all of these reasons, and more, I believe that Dr. Knowles is more than qualified to be Secretary of Health and Scientific Affairs.

Qualified to assist in the more than a dozen pieces of legislation which must be considered for extension in the area of health this year and which desperately needs the help of a man like Dr. Knowles.

Qualified to give valued counsel on the more than 100 bills already introduced this session of the Congress on matters pertaining to health and which clearly indicate the sense of priority the Members of Congress give to this vital area.

Qualified to help determine the ways and means by which the Government can most effectively invest over $13 billion in medical research and health-care funds; an investment in the future health security of this Nation.

Qualified to give expert leadership to the policy direction of medicare and medicaid, as well as helping to bring before the bar of public opinion those doctors who have excessively profited by overcharging medicare and medicaid patients and who have in the process robbed the taxpayers of this country.

If so highly qualified a man as Dr. John Knowles has not been nominated, it is then incumbent upon the Members of this body to ask the question, "Why?"

Mr. President, I have considerable regard for my distinguished colleague and our minority leader, Senator DIRKSEN. Few men equal his accomplishments in a congressional career spanning nearly 40 years. He has been a friend of Presidents and a leader in the U.S. Congress.

Through dedication to hard work and a disciplined mind, Senator DIRKSEN quickly rose to prominence as a leader in the other body to which he was first elected. His colleagues recognized him as an expert on the tasks he chose to master.

The test of any man's desire for leadership often rests in his determination to overcome physical affliction. Indeed, the crucible of physical affliction has often foreshadowed the rise of men to leadership positions. So it was with Senator DIRKSEN. He confounded medical experts predicting loss of his eyesight. He retired from the other body, spending 2 years to recover from his affliction. Then he ran for the U.S. Senate, defeating another minority leader in a race most thought he would lose.

Dedication. Discipline. Determination. These qualities brought Senator DIRKSEN to the Senate, and they soon propelled him to the position of minority leader. Each of us remembers specific occasions when Senator DIRKSEN's leadership qualities made meaningful contributions to our Nation's progress. I especially remember his constructive leadership role in obtaining the passage of meaningful civil rights legislation.

But leadership also bears the earmarks of another quality in a democracy. The quality is simply to allow those who are led to be effectively heard.

Why is it that the nomination of Dr. Knowles has not been sent to the Senate for consideration? Why is it that Members of this body have not been permitted to work their will on this vital matter?

There are two reasons. The American Medical Association and the minority leader of the U.S. Senate.

No one organization, no one man should be permitted to dictate or to veto a Presidential appointment of one so eminently qualified as Dr. Knowles. Yet, this is clearly the case in the present instance.

The American Medical Association, through its president, has expressed opposition to Dr. Knowles' appointment. Senator DIRKSEN has said he would block that appointment if the President submits it to the Senate.

Speaking only for myself, as an individual Senator, I would like to have the opportunity to debate the qualifications of Dr. Knowles in this Chamber. I do not believe that is too much to ask of the distinguished Senator from Illinois. I challenge the minority leader, my leader, to advise President Nixon and Secretary Finch that he will no longer arbitrarily block consideration of Dr. Knowles' appointment. I challenge the minority leader to allow the Senate to work its will.

One hundred and fifty-three days have passed, and one of the Government's most important positions remains unfilled. Others have waited; I have waited. I will wait silently no longer.

I stand here now, as a matter of conscience, to oppose the leader of my party in the Senate.

I stand here now, because I believe very deeply in two principles.

I believe in the right of the President to nominate those men he believes can do the best job.

I believe in the right of the Senate to work its will on persons nominated by the President.

These principles, essential facets of our Government, are being violated, and the confidence of the American people, the ultimate strength of any democracy, is being shaken.

There are many rumors to the effect that the appointment of Dr. Knowles is now dead. If that is so, the democratic process has lost a battle and the public interest has suffered a grievous defeat.

I believe it is in the best interest of the American Medical Association and Senator DIRKSEN to say they are unafraid to have Dr. Knowles' appointment openly considered by members of the U.S. Senate.

The appointment of Dr. John Knowles should rest on its merits.

## 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 the following bills, in which it requested the concurrence of the Senate:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 3377. An act for the relief of Frank Kleinerman;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 3666. An act to amend section 336(c) of the Immigration adn Nationality Act;

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.R. 5107. An act for the relief of Miss Maria Mosio;

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.;

H.R. 11069. An act to authorize appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes; and

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes.

## HOUSE BILLS REFERRED

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

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.; to the Committee on Agriculture and Forestry.

H.R. 11069. An act to authorize appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 3377. An act for the relief of Frank Kleinerman;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act;

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.R. 5107. An act for the relief of Miss Maria Mosio; and

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.; to the Committee on the Judiciary.

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare.

## 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. MAGNUSON. Mr. President, I ask unanimous consent to perfect my amendment, which was drawn in a hurry, with a modification that states more clearly my intended meaning.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the proposed modification.

The assistant legislative clerk read as follows:

On page 71, at the end of line 25, add a comma and the following: "except that no such reservation may be applied to health programs of the Department of Health, Education, and Welfare,".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MAGNUSON. 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.

Mr. BYRD of West Virginia. Mr. President, I am in a position which I think forces me to oppose the amendment. I do so because if we are to be serious about enforcing a Federal expenditure reduction on ourselves and on the administration, then we cannot continue to exempt one after another of the very important programs in which we all believe and many of which are our favorites.

The committee started out by exempting unpredictables such as support of the war in Southeast Asia, mandatory and fixed items such as interest on the national debt, and uncontrollables such as farm price supports and public assistance grants.

The committee then took the remaining controllables and said they had to be cut by $1.9 billion. But each time from here on out that he removes one of the controllables and puts it into the exempt class, we do not do anything to the $1.9 billion reduction figure, but we do narrow by that much the remaining controllable category from which that $1.9 billion has to be cut.

So, in the vote which was taken a moment ago, the Senate said in effect that $3.7 billion of that $84.3 billion which was in the controllable category is going to be removed from that category and exempted from any forced reduction.

The Senate is now being asked by the distinguished and able Senator from Washington to remove an additional $2.9 billion from that category that it, too, along with the Office of Education, may be given preferential status. So, the cheese is becoming a little more binding all the time.

I am just as much in favor of expenditures for health as is any other Senator. I do not recall ever having voted to cut an expenditure, but I have voted to increase expenditures. My worthy colleague is now taking the position I took a while ago when I said, "If you take the Yarborough amendment, you are going to open up health for larger cuts."

I am glad that the distinguished Senator from Washington stated in his own presentation here that that is precisely what we would now do unless we have this amendment in addition to the one already adopted.

We can carry this even further and say that we ought to exempt farm price supports. We can say that we ought to exempt vocational rehabilitation. We can say that we ought to exempt IDA—the economic International Development Association. I voted against the appropriations for IDA in the committee. However, "what is done, 'tis done."

We can go on down the line and say, "We want a $1.9 billion reduction, but we want to exempt everything from that reduction. We do not want to make a cut anywhere."

So, we march up the Hill and say we have got to have a $1.9 billion reduction. We march up the Hill with the banners flying, bugles blaring, and the drums beating and we thrill to the tumultous cheers of the multitude along the wayside as we pass.

Then we about face and march down the Hill and say, "We do not want to cut here and we do not want to cut there or somewhere else."

That is the position we will be in if we continue to lift out of the controllable category those very worthy programs and activities such as health and education. What will be the next program for favored treatment in this discriminatory pattern? I thought Senators were against discrimination.

We either have to mean what we say, that we want to make a reduction in controllable Federal expenditures, or we must say, "We stand for an overall reduction in Federal spending, but do not believe us. We are just kidding. We do not mean what we say. We are not going to let you touch this or that item."

That being the case, I have to oppose the amendment.

It is just like opposing motherhood and the flag and God. Fortunately, I have never been put in a position yet of opposing those three. However, if we continue at the rate we are going, we may find that there is nothing else left to oppose.

I have to oppose the amendment and stand by the will of the committee if the committee's proposal is to mean anything.

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

Mr. BYRD of West Virginia. I yield.

Mr. COOK. Mr. President, I must confess to the Senator from West Virginia that as a freshman Senator, this reminds me of the many times I watched the activities of the Congress of the United States when it said to the President that it had to cut the budget by so much money. Then, everyone sat in the Senate and proceeded to put it all back.

I think that many of the people listening today may well be missing the point that we have said to the President of the United States that we want the budget cut from what it was under the last recommendation of a little over $200 billion. And all of a sudden we come along and say in the pending bill that it shall not exceed $187.9 billion with the exception of some uncontrollables. Then we add

other uncontrollables and still other uncontrollables.

It is kind of like saying that we have a nation that really wants a tax reduction and a reduction of the budget, but somehow or other we want the wide highways, free beer, and motherhood. Somehow or other we cannot have all three. Somehow or other when the day of reckoning comes, the reckoning really will be to the effect that we will have opened up everything. And when it comes to appropriations, we would have cut out all of the controllables and made our budget to tally uncontrollables.

I can only say to the Senator from West Virginia that he is fighting a great and wonderful battle. However, in my argument with the Senator 2 days ago when we talked about the controllables and uncontrollables, it really means that we sit here and say that out of some $187.9 billion, the Senate is capable of controlling some $80 billion and totally incapable of controlling the remainder.

I think it becomes quite a game that we play. I am not certain how it appears in the newspapers when published, but it is a little disillusioning.

Mr. BYRD of West Virginia. Mr. President, I appreciate the remarks of the Senator.

The pending amendment has as much appeal as the last amendment agreed to by the Senate. However, if we are going to make expenditure reductions, we will have to cut out some programs in which we all believe.

I think we have to remember that there are a lot of housewives who go to the butcher shop each week and see the prices on breakfast bacon going up and up and up. Inflation is taking pennies out of the dollar.

Federal spending constitutes a major cause of inflation in this country, and we must do something to half it.

Congress imposed a surtax. I voted against that. I would vote for a surtax if I were convinced that the Federal Government had done everything it could possibly do to stop wasting money on programs and activities that are not meritorious and to improve the efficiency in administration of others. Thus far, I am not convinced that it has done this.

If we are serious about fighting inflation and about the need for raising taxes and taking money away from American businesses and the working man and woman to fight inflation, we have to be equally serious about curbing our appetite for more and larger Federal programs and Federal expenditures. The soundness of the dollar both at home and abroad is at stake. The equity of our actions against those we force on businesses and consumers by siphoning off some of their earnings in taxes is an issue. If we are to defend the value of the dollar, we must defer many things until a more appropriate time, no matter how desirable they might seem. This is what Congress is asking wage earners to do with the income tax surcharge. It is what we are asking businesses to do with both the surcharge and the pending repeal of the investment tax credit, and it is what we have to do to the growth of Federal spending.

If we raise taxes and raise spending too, we continue to place a double bite on our people both through taxes and increased prices.

The way to help all our people, but particularly those with low incomes, with fixed incomes, and with no available reserve of savings, is to get control of the trend on ever-increasing prices we all have to pay just to live. We cannot get the cost of living under control if we continue to spend a little more here and a little more there in the hundreds of places where we all agree a little more might be desirable. We must distinguish between what we have to do and what we might like to do if conditions were favorable. Conditions are not favorable when prices are rising and when our action of a little more here and a little more there will be self-defeating by making it even more difficult for our people to buy the essentials of life. I am talking about that housewife who, in the face of a fixed income or a low or moderate income, would like to put some breakfast bacon on the table once a week, but who, because of spiralling prices, is prevented from doing so.

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

Mr. BYRD of West Virginia. I yield.

Mr. MAGNUSON. We are not determining the health appropriation in this amendment or in this bill. We may eventually cut the health appropriations even more than the Senator from West Virginia suggests by his amendment. We just did not want health to be in a position different from that of education and welfare.

Mr. BYRD of West Virginia. I am aware of that.

Mr. MAGNUSON. I say that we are not determining the health appropriation today. We are going to determine that after hearings.

As for the woman who goes to the market, I want to see that she is alive and healthy, too.

Mr. BYRD of West Virginia. So do I.

Mr. MAGNUSON. And that her children have every opportunity to have the best of medical care and research.

Mr. BYRD of West Virginia. The Senator does not stand in a position different from that of the Senator from West Virginia, in that respect.

Mr. WILLIAMS of Delaware. Mr President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I concur in the argument that the Senator from West Virginia is making today. I only wish I had been able to convert him yesterday. The argument I made yesterday is valid today. Once Members start selecting their pet programs for exemption they have a job to argue against selecting others.

The Senator from Washington has brought up a proposal to exempt the health program. He made a very good argument. An equally good argument can be made for several other programs.

For example, yesterday Congress did exempt price-support programs for agriculture products. Congress exempted all of the Commodity Credit Corporation expenditures, the food for peace, the school lunch program, and so forth. Congress has exempted all public assistance grants, including medicaid. Congress has exempted the Post Office Department. Congress exampted itself, the legislative branch, from any controls in Government spending. Congress has exempted the judiciary along with many others, and these were controllable items—just as controllable as are the items involved in the pending amendment.

I say that as one who will not support the Senator from Washington, but I did not support the exemption for those other programs either.

I think that once we move into the area of selecting those to be exempted Congress will end up exempting everything and end up with no control and no ceilings. I said yesterday—and I repeat—that we need valid expenditure ceiling, but with all due respect, we do not have one before us now, with or without the amendment of the Senator from Washington. The amendment of the Senator from Washington may open the door a little wider; but the big barn doors are open now, and I do not see any difference in opening another door. Congress has already claimed that it wants to cut spending, but when the chips are down it does not want to cut spending on any of its pet programs.

Mr. HARRIS. Mr. President, I support the amendment of the distinguished Senator from Washington (Mr. MAGNUSON). It seems to me that no governmental activity is entitled to more special attention than health. This is true of all of the health programs administered by the Department of Health, Education, and Welfare. It is particularly true of the Indian Public Health Service. I call the attention of Senators to a statement I made on March 26, 1969, on the introduction of S. 1691, pointing out the serious problems caused in the Indian Public Health Service by last year's limitation on personnel. We should not make this worse. I hope the amendment will be adopted.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The question is on agreeing to the modified amendment of the Senator from Washington to the committee amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from New

Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. Moss), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 45, nays 47, as follows:

[No. 38 Leg.]

YEAS—45

| | | |
|---|---|---|
| Aiken | Gore | Mondale |
| Bayh | Harris | Montoya |
| Bible | Hartke | Muskie |
| Brooke | Hatfield | Nelson |
| Burdick | Hollings | Pastore |
| Cannon | Hughes | Pell |
| Case | Inouye | Prouty |
| Cotton | Jackson | Randolph |
| Cranston | Javits | Ribicoff |
| Dodd | Kennedy | Schweiker |
| Dominick | Magnuson | Spong |
| Eagleton | Mathias | Symington |
| Fong | McCarthy | Tydings |
| Fulbright | McGovern | Williams, N.J. |
| Goodell | Metcalf | Young, Ohio |

NAYS—47

| | | |
|---|---|---|
| Allen | Ervin | Packwood |
| Allott | Fannin | Pearson |
| Baker | Goldwater | Percy |
| Bellmon | Griffin | Proxmire |
| Bennett | Gurney | Russell |
| Boggs | Hansen | Scott |
| Byrd, Va. | Holland | Smith |
| Byrd, W. Va. | Hruska | Sparkman |
| Church | Jordan, N.C. | Stennis |
| Cook | Jordan, Idaho | Stevens |
| Cooper | Long | Talmadge |
| Curtis | Mansfield | Thurmond |
| Dirksen | McClellan | Tower |
| Dole | Miller | Williams, Del. |
| Eastland | Mundt | Young, N. Dak. |
| Ellender | Murphy | |

NOT VOTING—8

| | | |
|---|---|---|
| Anderson | McGee | Saxbe |
| Gravel | McIntyre | Yarborough |
| Hart | Moss | |

So Mr. MAGNUSON's modified amendment to the committee amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, if I may have the attention of the Senator from West Virginia, the action which the Senate has just taken on the last two votes suggests to me the wisdom of including in the Senate provision on the limitation of spending a provision which is found in the House bill. I would like to refer the distinguished Senator from West Virginia to page 70, lines 7 through 14. I have at the desk an amendment covering this point, but I should like to discuss it with the Senator first.

If I may read the language, for the benefit of the Senate, it is as follows:

*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 therein shall be correspondingly adjusted.

Mr. President, we have heard persuasive and eloquent arguments this afternoon urging us to exempt education and health from the limitations imposed by the bill. We are just at the beginning of the appropriations process in Congress, and we will be considering many appropriations bills before we are through. It therefore seems to me that we should include in the bill a realistic recognition of the fact that, from time to time, individual Senators will want to ask the Senate to consider adjustments based upon the merits of, say, water pollution, education, and various other programs. I think it is wise to adopt a ceiling at this point, recognizing the President's recommendations and undertaking to set a benchmark for us to follow. We know, if we are intellectually honest about it, that from time to time, during the course of this session, we may want to consider variations from the President's budget recommendations which may or may not breach the ceiling.

The language I have read here, which was included in the House bill, gives us a procedure for handling it without being dishonest about it.

Thus, I should like to propose the amendment and would like to get the reaction of the distinguished Senator from West Virginia.

I have discussed it with him earlier and he seemed somewhat receptive to this approach.

Mr. BYRD of West Virginia. Mr. President, I think that the distinguished Senator's suggestion is a very important contribution here. Unless this is done, the President—certainly the Congress—would not be kept informed as to the expenditure impact resulting from increases cuts in or appropriations that Congress might make.

I think it is important that Congress be kept informed of the expenditure impact of its appropriation actions.

I would ask the Senator if he would be willing to go one step further. I am glad he has called this to our attention. I think the proviso should be in the bill and I wonder whether he would go one step further and add subsection (b), which was stricken from the House language, and which merely states that the Director of the Bureau of the Budget will make these reports beginning the first full month after the passage of this act, and each month thereafter, during the first session, and then once each quarter thereafter, through the end of the fiscal year, so that the Director of the Bureau of the Budget will not have to inform the Congress of the expenditure impact immediately following each appropriation cut or appropriation increase but he will have a time set forth in which he would be expected to make such a report to the Congress and the President.

Mr. MUSKIE. Yes. I think the Senator's suggestion is well taken. I would be happy to include it in my amendment.

Mr. BYRD of West Virginia. So, Mr. President, if the Senator will so modify his amendment, I will gladly accept it as modified.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield at that point?

Mr. MUSKIE. Mr. President, my amendment is at the desk and I offer it at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 71, after line 16, insert:

*"Provided further*, 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: *Provided further*, That 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."

Mr. BYRD of West Virginia. Mr. President, this simply requires that the Director of the Bureau of the Budget inform the President and Congress at certain intervals as to the impact we have made through our cuts or increases in appropriations on the $1.9 billion expenditure reduction required by the bill.

Mr. COTTON. Mr. President, will the Senator from Maine yield for a question?

Mr. MUSKIE. I yield.

Mr. COTTON. The Senator's amendment, if adopted, will it automatically eradicate from the bill the two rather inconsistent provisions which have just been adopted?

Mr. MUSKIE. No. This amendment does not touch that at all.

Mr. COTTON. It does not change the ultimate amount fixed as a goal by the Senate in the bill.

Mr. MUSKIE. The Senator is correct.

Mr. COTTON. I wish it would eradicate these other actions, not the goal, but the inconsistent provisions we have adopted.

I highly commend the Senator for offering the amendment. I am entirely for it. I think that this matter of setting up a ceiling works exactly opposite to what is intended because every Member, consciously or subconsciously, thinks that he can vote for any kind of appropriation he wants to and that because there is a ceiling, it is not going to do any harm because the President or someone else—some nebulous authority somewhere—will balance the books. The result is that we simply promote our own irresponsibility.

I felt that the entire House provision was much superior to what has been proposed by our committee in the Senate. I wish the Senator's amendment had started as a clean slate. I shall take pleasure in supporting it.

Mr. MUSKIE. I may say that I was tied up elsewhere, or I would have offered it earlier this afternoon. It might have forestalled some of the action taken.

I think this amendment will assure

orderly consideration of any changes the Senate wants to make in any appropriation bill as we go through the entire process in the weeks ahead.

Mr. COTTON. I certainly commend the distinguished Senator from Maine for his proposal.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. I yield.

Mr. CURTIS. I read the language in the House bill. I followed the amendment offered by the distinguished Senator. But I am not sure I understand how it works. Suppose in a given appropriation bill Congress saw fit to disallow a request, say, of $100 million for something within the President's budget. What would happen if the amendment the Senator proposes were the law?

Mr. MUSKIE. Then the Director of the Budget, as I understand it, must report to the President and to the Congress his estimate of the effect of such action on expenditures and net lending and on the limitation set forth in the bill.

Mr. CURTIS. Aside from reporting it, what else happens?

Mr. MUSKIE. The language reads:

The limitation set forth herein shall be correspondingly adjusted.

Mr. CURTIS. That is what is unclear. Does it mean, then, that if the Congress saves $100 million in one instance, the budget ceiling is thereby lowered $100 million, or does it mean that that saving does not go to the taxpayers or to the Treasury, but makes it possible to raise some other item in the appropriation process? I do not think it is clear what the language, that the ceiling shall be appropriately adjusted, means. Adjusted to what?

Mr. MUSKIE. As I understand it, it is the duty of the Director of the Budget to keep a running record of the net impact and net result of the adjustments in appropriations made by the Congress from the President's budget estimates. Those figures should be available to us on a running basis, but, in any case, under the second part of the amendment, we would have a formal report at the end of each month.

Mr. CURTIS. But what does that change? That is my question.

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

Mr. MUSKIE. May I answer the question first? What is changed, if there is a change, is the spending ceiling.

Mr. CURTIS. Changed in what way? If the Congress saves some money, if the Congress declines to appropriate, say, $100 million, does the ceiling then come down $100 million, or does the ceiling remain the same and that money is available for some other purpose?

Mr. MUSKIE. As I understand it, it would go up or down depending on the nature of the adjustment Congress has made. Let me say this is language from the House bill. I am not certain of the House interpretation of the language, but, as I read the language—and this is what attracted me to it—I think the effect is to change the ceiling up or down depending on action the Congress takes with respect to each appropriation bill.

Mr. CURTIS. So the more we save in the appropriation process, the lower the overall ceiling becomes?

Mr. MUSKIE. That is as I understand it.

Mr. CURTIS. I think it is most unclear what it means.

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

Mr. MUSKIE. I yield.

Mr. COTTON. I will ask the distinguished Senator from Maine if it does not mean exactly this: that every time the Senate cuts an appropriation, every Senator knows he is reducing the aggregate appropriations for the year, or at least at that point he is reducing them by so much, and every time we exceed it, everyone who votes for it knows he is voting to push up the aggregate spending for the year. Consequently, there is an incentive every time we vote, either because we are pushing it up or we are doing the praiseworthy thing, in most cases, of reducing the ultimate spending.

Mr. MUSKIE. That is exactly as I understand it.

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

Mr. MUSKIE. I yield.

Mr. CURTIS. If it is true that our actions on an appropriation bill result in exceeding the President's budget, and we therefore raise the ceiling established in this act by that much, which means that we have no ceiling—that we have a ceiling until we vote money to raise it—does not the language become meaningless?

Mr. MUSKIE. No. I agree that that is the effect, but I say that does not render the action taken today meaningless, in my judgment. We are setting the ceiling. The Senator knows, from the experience we had in the Senate last year, that the setting of the ceiling did not act as a prohibition, subsequently, against increases in spending by the Congress—we approved increases for controllers in our airport towers, for example.

I am saying here, let us set a ceiling, which operates as an inhibition as much as it did last year, but if we subsequently change it, as I read the language, we get the impact in figures from the Director of the Budget. The country gets it. The President gets it. We get it for whatever influence it will have on our votes on those appropriations.

Mr. CURTIS. I commend that part of the amendment which directs the Bureau of the Budget to send down that information. I think it is a good thing for the Congress to have, and I think it is a good thing for the public to have, and I think it is a good thing for the President to have. We call it a ceiling, but it is a sort of telescoping process—if the Congress continues to increase appropriations, the ceiling always goes up.

Mr. MUSKIE. I do not think it changes what it is going to be, anyway. I may say to the Senator I think it is a recognition of the realities at this point.

Mr. CURTIS. I think, in light of the language adopted, what the Senator is saying is correct—you cannot have a ceiling and have holes in it.

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

Mr. MUSKIE. I yield.

Mr. COTTON. It is not a fact that this is not a ceiling, because it never has been and it never will be? It is a goal. I think the Senator, in his earlier remarks, referred to a hallmark. But it is a goal rather than a ceiling. It is a goal we set for ourselves. We know, and everyone who knows the appropriating process knows, that is all it is and all it was last year. But the people do not know it. I agree with the Senator that this approach is the most honest, and also puts every Senator on his clear duty and notice that when he casts a vote he is either bringing that goal nearer or else he is pushing it away. Therefore, we are not divesting ourselves of personal responsibility.

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

Mr. MUSKIE. May I make one comment in response? Then I will yield to the Senator from Florida.

To do otherwise is to suggest that we adopt as a ceiling the President's budget estimate. That is delegating to him the appropriation process. We have the duty, and the privilege, I think, of evaluating these budget estimates for ourselves and passing judgment on them, increasing them or decreasing them; and we do both. It seems to me that by setting a ceiling as a goal, and still preserving the realistic recognition of our own duty and still continuing a role in the appropriation process, we are being realistic and honest.

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

Mr. MUSKIE. I yield.

Mr. HOLLAND. I want to call attention to the fact that we are talking about two different things. The proposed ceiling is a ceiling on expenditures. The matter which will be reported to us and which we might otherwise not know is the question of how our reduction or increase of appropriations—not expenditures—will be reflected in the expenditure budget for 1970.

That is information we need to have. It is information that does bear on the success of our efforts. I think this is a good proposal. However, we should very carefully distinguish between the two things, because the amendment would provide that when Congress exceeds or goes under the request of the President for appropriations or other budgetary proposals—as for contractual authorizations—that fact should be reported by the Bureau of the Budget to the President, and the Budget Bureau should report to the President and to Congress how that action affects the expenditure budget for 1970. Otherwise, we will not know that.

Suppose we pass an appropriation bill in October, as we have done many times, and the appropriation was not designed, in the beginning, to be spent in 1 year, but we know now that the 1 year's portion is going to be spent over a lesser period than 1 year. The Director of the Budget will know when he will begin to approve payments from that appropria-

tion—in other words, when the administrative setup has been completed—and can report to us how much will be expended out of that appropriation prior to June 30, 1970.

I think this is a good provision, and something like it is the only way in which we will be able to keep up with the effect on the expenditures budget of our own action on the appropriations budget. I wish to make that point very clear.

Mr. MUSKIE. I think the Senator from Florida. The Senator is a member of the Appropriations Committee, and more experienced at interpreting this kind of language than I; so I appreciate having his comments as a part of the legislative history.

Mr. MUSKIE. Mr. President, this is the second straight year that members of the Appropriations Committees have recommended that Congress impose limitations on expenditures, and there are strong arguments for such limits in light of the inflationary pressures on our Nation's economy.

But arbitrary ceilings threaten to cut the budget of the hunger programs while millions starve, to lower investments in education programs when the education of so many of our young people is clearly inadequate and to undermine the commitments we have made to water pollution control programs, housing construction, medical care, summer jobs, and poverty programs. Most of these programs have not even been funded at half of their authorized levels. Crying needs have gone unanswered.

All of us are aware of these needs. Many of us have gone before the Appropriations Committee to request higher appropriations for programs to which we are deeply committed; others will make similar requests later in the session.

America faces a problem of priorities, and Congress has taken the lead in trying to carve out America's new priorities and to implement them. We are already restricted in our efforts to deal with the critical problems that face the Nation by the pressures of inflation, and it would be a grave mistake to further restrict our options by imposing the strict ceiling on expenditures which the committee has recommended.

The ceiling is retained as a goal, but this amendment incorporates the House-passed provisions that congressional decisions on increasing or decreasing appropriations for particular items may adjust the ceiling up or down.

The President has made cuts in the budget, and the Congress should respect his decisions in setting an initial ceiling. tion is on agreeing to the amendment of the budget and increases in others that the Congress may wish to make in the next few months. There is no reason why we should tie our hands this early. Therefore, I urge the Senate to accept the alternative language which I now offer.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from Maine.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, as I understand it, the pending vote is on the Byrd committee amendment, as it has been modified by all the exceptions that have been thought of up to this point. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, I am one who has advocated a ceiling on Government spending. I think we need a ceiling on expenditures. I was the author of the first expenditure ceiling which went through Congress last year as part of the tax increase bill.

I said then and I feel now that when Congress considers the question of increasing taxes it is just as important that Congress consider what it is going to do with spending as well as what it is going to do with bringing in additional revenue; and if we were only going to raise taxes for the purpose of bringing in $8 billion or $10 billion more to pour into the spending stream, as far as I am concerned we are only defeating the purpose and creating more inflation. I happen to be one who thinks that many of the private citizens have as much intelligence and sense about how to spend their dollars as does some bureaucrat in Washington.

The so-called ceiling we have before us today is a ceiling in name only. I shall vote against it. I will not be a party to supporting a principle which apparently seeks to give to the American people the idea that Congress is launching an economy drive and that we are putting a ceiling on expenditures. In reality Congress is doing nothing of the kind, but rather here today the Senate has laid the groundwork for the largest spending spree that has ever been conceived, greater than those of either the Johnson administration or the Kennedy administration.

I wish to review briefly just what these exemptions for various programs mean mathematically; and if anyone wishes to take exception to my figures as we go along and point out where I am in error I shall be glad to yield at any time because I think this is one of the greatest farces ever suggested, as far as the American people are concerned.

We start out with the committee proposal of a ceiling of $187.9 billion on expenditures for fiscal 1970, as compared with the ceiling that was projected in the House of Representatives amendment of $192.9 billion.

On the surface that looks as though the Senate were saving $5 billion. But let us see what we are doing.

No. 1, we start out, on page 71, paragraph (1), where we find reference to the open ended programs and fixed costs in the table appearing on page 16 of the budget of the United States. They are exempted to the extent that the expenditures for those programs in fiscal 1970 exceed the 1969 level.

Let us refer to page 16 of the budget. As the first item there we find social security, medicare, and social insurance trust funds. This exception adds $2.9 billion as an expected increase over the 1969 budget. That automatically—and I emphasize the word automatically—raises the committee ceiling of $187.9 billion by $2.9 billion, and we now have a ceiling of $190.8 billion.

The next item exempted is interest on the national debt. That is projected at $800 million over 1969; so that adds another $800 million, and we now have a ceiling of $191.6 billion.

The next item exempts all civilian and military pay increases. These are the ones that are supposed to go into effect July 1 and were referred to in the President's message yesterday. In 1969 there was nothing for that item, because these salary increases do not go into effect until July 1, 1969, but the cost of these increases is projected as an extra $2.8 billion for the 1970 fiscal year; so, therefore, that is another automatic increase, bringing the ceiling up to $194.4 billion.

The next exemption is the public assistance programs, including medicaid. That adds another $1.1 billion, and we have a ceiling now of $195.5 billion.

Farm price support programs are estimated in this budget as being $500 million less than last year; so we subtract the $500 million and are back to $195 billion—although I might add that there is a big doubt in my mind as to whether that item will materialize as a savings.

The next two items cancel out, because postal operations add $100 million and then there is an item designated "other"—I have no idea what the "other" means except that it involves projected expenditures of $1.5 billion next year—supposedly representing savings of $100 million there. But when these tabulations are considered there is a $195 billion ceiling on the bill now before us.

Then we take the amendment of the Senator from Maine that has just been agreed to, and we find both ends of the barn open and the roof off. The American people should know we have no ceiling whatsoever, so why try to kid them. Let me read it.

This says:

> 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.

That means the flexible ceiling will be raised automatically to cover any expenditure increase which this Congress may approve. In addition, under the Muskie amendment the ceiling automatically rises by the inaction of Congress on a recommendation of the President asking for new revenues.

Now, what are some of the proposals the President has made? He suggested that we raise postage rates effective July 1 of this year, which will bring in $519 million additional revenue. I have as yet to see any bills on the floor of the Senate to raise those rates, and every Senator knows they are not going to be raised, at least effective July 1. That automatically—and I emphasize again

the word automatically—adds $519 million to this flexible ceiling. So we are back to a $195.5 billion ceiling.

Now, it is true that when you move over to the amendment exempting Southeast Asia costs in section 2 of the committee's bill, the budget projection on page 27 indicates there will be a $3.4 billion reduction on that item, and if that reduction materializes it will reduce the ceiling correspondingly. But even then we will have the figure of $192.1 billion as a ceiling.

Then there are other exemptions added here today. The Senate has exempted HEW, or a good substantial part of HEW. I have no idea exactly what that extra exemption means; however, I understand that this one action is well in excess of $1 billion.

Congress has exempted the impacted areas, which adds another $200 million.

We have been unable to get any estimate on section 2 of the committee bill as to what the net increase would be, but I understand it is in excess of a billion dollars.

Under any circumstances, we have a ceiling of approximately $195 billion. Under the committee proposal there will be a higher spending ceiling than even President Johnson proposed, and he was no piker when it came to talking about spending the taxpayers' money.

I certainly will not be a party to approving any such farce.

I think we need expenditure control; however, it is certain that no expenditure control is involved here.

I refer to another item in President Johnson's budget—and that is all this bill relates to, President Johnson's budget, not the Nixon budget—the President recommended an increase of social security taxes of $1.6 billion next year.

I have as yet to hear anyone come up and say, "I am recommending or introducing a bill to raise the social security taxes." By our inaction or failure to act on the President's request it automatically adds another $1.6 billion to the budget.

Then there is a budget proposal to add a user's tax on the airwaves—$400 million. That has been suggested by both Presidents, and I have as yet to hear any enthusiasm in that direction. There is $400 million involved in that proposal, and unless Congress acts this represents another budget change.

When we get through, a $200 billion spending level is permissible under the pending bill without any further action by Congress, and we never have to change the ceiling.

I have discussed this with the officials of the Bureau of the Budget, and this is their interpretation. I have said, "I want no misunderstanding of your interpretation if this bill is passed as it is reported by the Senate or by the House."

We have a situation now in which the House bill and the Senate version are the same on these automatic esculations. So the language will not be in conference. Therefore this interpretation will stand regardless of what the conferees may wish or not wish to do.

The Muskie amendment was the language of the House amendment.

The committee bill is in fact a floating ceiling. It floats up as Congress sees fit to increase spending. I would say that this version of a so-called spending ceiling is a spendthrift's dream. I certainly want no part of it. It serves but one purpose, and that is to fool the taxpayers.

I shall vote against it. I hope that at some later date Congress will recognize what it has done and that an opportunity will be afforded to correct today's action. Certainly we have no spending controls here, at least so far as I can see. I say that as one who has worked as much in this area as some of the rest.

These interpretations are not just mine but are also the point of view of the committee and the Director of the Budget.

My only suggestion is that if the Senate insists on approving the committee's recommendation it add one more amendment. That is an amendment which would be equally popular. Why not say in that amendment that the Senate loves mothers and all of the little children. People like that, and it would be as effective as what the Senate is doing here.

Mr. BYRD of West Virginia. Mr. President, I have a great deal of admiration for the Senator from Delaware. I admire his courage and tenacity. I admire his knowledge in this and other fields. I admire him as a very honorable opponent in this contest in which we have been engaged for the last 2 or 3 days. However, the Senator used the word "farce."

I do not think any Senator who supports the committee provision thinks he is engaging in a farce or that he is perpetrating anything on the Members of the Senate or that he is trying to fool the American people.

Mr. WILLIAMS of Delaware. Mr. President, I do not say that the Senator is intentionally promoting a farce. I expressed my high opinion of the Senator yesterday. I only refer to the committee proposal as it is now before us. Perhaps "farce" is a harsh word. Perhaps it would be better just to say it is not worth the paper it is written on.

The fact remains that this has no effect whatsoever, I do not care what language is used.

Mr. BYRD of West Virginia. Mr. President, the Senator has every right to place whatever interpretation he wishes on what the committee has done.

I just want to say in closing before we vote on the amendment that what the Senator from Delaware really wants is a deeper slash, and that is all right. I do not criticize him for that. He also wants to exempt fewer activities from the cuts, and I do not criticize him for that. But we went up this Hill and down on yesterday and the day before.

I simply want to say in summation that what the committee is doing here is recognizing that some items are unpredictable, such as the war in Southeast Asia, and that others are mandatory, fixed, or uncontrollable. I do not agree with the figures that the Senator has been using. The Senator has been using the figures from the budget document that came up here on January 15.

I am using the latest figures. Any Senator may call the Bureau of the Budget if he wishes and get the figures I have used. That is not too important at this point; however, except that those who read the RECORD must be put on notice that the figures the Senator is using are old figures and out of date.

Mr. WILLIAMS of Delaware. Mr. President, the figures I used in my arguments are the figures referred to in the committee amendment. I quote the source. It is on page 71, lines 9 and 10—House document numbered 91–15, part I, 91st Congress.

The committee amendment refers to the budget of the United States. Here it is. I challenge the Senator from West Virginia to show anywhere in his committee amendment or in any other amendment attached thereto where it refers to any figures other than those in the budget of the United States. How accurate those figures are is beside the point.

Those are the figures to which the Senator's committee referred. Those are the figures I am quoting. Far be it from me to defend the accuracy of President Johnson's figures, but those are the ones to which the committee referred.

Mr. BYRD of West Virginia. Mr. President, the bill does not refer to figures. It refers to items. The "items" that appear on page 71 of the bill identify the items, such as the war in Southeast Asia, interest on the national debt, mandatory civilian and military pay increases, price supports, Commodity Credit Corporation, veterans benefits.

It refers to the items but not to the figures. We said all of this yesterday and the day before.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I do not want to quarrel with the Senator from West Virginia whom I respect, but he is in error. To prove my point, I ask unanimous consent to have printed in the RECORD the part on page 71 of the bill from line 1 through line 12. It speaks for itself.

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

*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;

Mr. WILLIAMS of Delaware. The figures I quoted are taken from page 16 of that budget. If there are other figures I respectfully ask that the Senator from West Virginia incorporate them in the RECORD at this point. I cannot find them.

Mr. BYRD of West Virginia. Mr. President, the Senator has read into the RECORD the language which refers to the items designated at such and such a page in such and such a document. The lan-

guage did not refer to figures therein and could not because the figures will change.

There still are several days in fiscal year 1969. We do not know exactly what the expenditures will finally be. I do not care what book is cited. All we are saying in this language is that the $187.9 billion shall be exceeded by the amount by which the uncontrollable expenditures in fiscal year 1970 exceed the amount spent in fiscal year 1969. We state that we are exempting certain items, and we go to the budget document to find out what those items are. The Senator has read them: Support for Southeast Asia, interest on the national debt, social security, and so on. Those are the items. But the figures in that book were sent up here on January 15. The figures I have here came from the Bureau of the Budget on May 20, and yet even these latest figures are subject to change.

Why try to tell the people that the figures in that document of January 15 are the final figures? I do not say that about these May 20 figures, but these do bring us to a closer estimate of the overall situation as it today stands.

Mr. WILLIAMS of Delaware. The Senator will not dispute the fact that regardless of what the final figure may be when 1969 ends, to the extent that fiscal 1970 exceeds them the projection referred to is an automatic increase. The Budget Director's office said that is the way they are going to interpret the committee amendment.

I respect the Senator from West Virginia, but I disagree with him on this point. I am ready to vote, but I shall vote against the amendment. As I stated earlier, I will not use the word "farce"; I will not say it is not worth the paper it is written on; but I have been in a barn without a roof and never got as wet as the American people are going to get soaked under this bill.

Mr. BYRD of West Virginia. Mr. President, regardless of what happens in the category of the uncontrollables, we cannot control here today what is going to happen to the interest on the national debt. We will have to pay it. We do not appropriate it every year. It already has been appropriated. We cannot, by our action on an appropriation bill, reduce the amounts for social security. They already have been appropriated. We cannot reduce, by our actions on appropriations, the amounts to which we have already committed ourselves for price support programs. We might change it a year from now through legislation, but we cannot change the price supports expenditure through appropriations. These are then uncontrollables.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I will not yield at this time, but I will be glad to yield later.

These are areas in which we really have no control unless we change the basic laws. We have to appropriate whatever we are committed to appropriate. But there are other areas which are controllable and in which we can execute reductions.

We are not putting anything over on anybody, and nobody will get wet because of the holes in the roof of the barn that has both doors open. The committee is simply saying that, so far as the controllables are concerned, Congress and/or the administration must make not less than a $1.9 billion reduction under the President's estimates in fiscal year 1970.

It is written in here to that effect, and it is as plain as the nose on the Senator's face. I shall read it:

> Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1.9 billion.

Now, that is in the controllables. Who would expect us to reduce the expenditures in the uncontrollables? All we can do is reduce the expenditures in the controllables. If the Senator wants to force Congress or the President to reduce those controllable expenditures by an additional $5 or $10 billion, let him offer his amendment, and we will vote on it. But that is all we can do. That is all God's angel's can expect us to do—to cut or to raise the expenditures in those items which are controllable and which annually come before Congress for its decision. Parenthetically, may I say that of the $210 billion in the 1970, only $143.8 billion will be within reach of, and subject to, congressional action.

Mr. WILLIAMS of Delaware. Mr. President, I shall not delay this vote. We have debated this amendment for 2 days.

The Senator spoke of noncontrollable expenditures, and then he mentioned price support programs. These are controllable expenditures. It is expected that next week a bill will be before the Senate—the House already has acted on it—to limit to $20,000 the payments to any one farmer under the agriculture program. If the Senate sustains the House action it will make a difference of approximately $200 million in the cost of administering the program, and half of this savings will be into the next fiscal year.

Mr. BYRD of West Virginia. That is what we are talking about.

Mr. WILLIAMS of Delaware. There are other controllable items which have been exempted under the committee bill. Why exempt the legislative branch? Why exempt the judiciary? These are items which can be controlled, and in my opinion we will have to control them if we really are going to bring expenditures down to the level where we can afford them. I would dislike to see a tax bill go through Congress unless we can assure the taxpayers at the same time that this Congress is not going to use all that additional revenue just to expand the spending programs.

I recognize the difference between the opinions of the Senator from West Virginia and myself, but that is my interpretation of this committee bill; and so far as I am concerned I am ready to vote.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table of budget outlays estimated as of May 20, which was secured from the Bureau of the Budget. This is the table of statistics from which I have been quoting while the Senator from Delaware has been resorting to the figures used in the January 15 budget document.

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

BUDGET OUTLAYS (ESTIMATED)

[In billions of dollars]

| | Fiscal year 1969 | Fiscal year 1970 | Fiscal year 1970 change |
|---|---|---|---|
| Grand total | 185.6 | 192.9 | +7.3 |
| Uncontrollables and special support of Southeast Asia | −103.6 | −106.7 | +3.1 |
| Special support of Southeast Asia | (29.2) | (25.2) | (−4.0) |
| Open-ended programs and fixed costs: | | | |
| Social security, medicare, and other social insurance under existing law | (39.3) | (42.1) | (+2.7) |
| Interest | (15.6) | (16.4) | (+.8) |
| Civilian and military pay increase | | (2.8) | (+2.8) |
| Veterans' pensions, compensation, and insurance | (5.7) | (6.1) | (+.3) |
| Public assistance grants (including medicaid) | (6.3) | (7.2) | (+.9) |
| Farm price supports (Commodity Credit Corporation) | (4.3) | (3.6) | (−.8) |
| Postal operations directly related to mail volume | (.5) | (.5) | |
| Legislative and judiciary | (.4) | (.4) | |
| Other | (1.9) | (2.1) | (+.2) |
| Federal aid to schools in impacted areas | (.4) | (.4) | |
| Remainder after deducting above uncontrollables and special support of Southeast Asia | 82.0 | 86.2 | +4.2 |
| Included in remainder: | | | |
| Department of Defense | (49.0) | (52.5) | (+3.5) |
| Other | (33.0) | (33.7) | (+.7) |
| Included in remainder figures: Prior-year contracts and obligations | (17.6) | (18.9) | (+1.3) |

Mr. ALLOTT. Mr. President, I will not detain the Senate more than a few minutes. I have been a member of this committee for some time, and I do not feel that I can permit the exchange that has occurred to go by without making some remarks.

I have a great deal of respect for the distinguished Senator from Delaware. At this time I say to the distinguished Senator from West Virginia that he has handled this bill with the greatest of thoroughness—probably the greatest thoroughness and capability of anyone whom I have ever seen handle it—and I pay my respects and my compliments to him for what he has done.

However, I must say—and this is the reason why I speak at this time—that I think he is in error in his interpretation of the bill—or at least of lines 1 to 10 on page 71 of the bill—and I think that in that respect the Senator from Delaware is entirely correct.

The key words are those that occur on line 4, and those are the figures—the sum of expenditures. The sum of expenditures, when coupled with the words in the following paragraph, subparagraph 1, referring particularly to House document numbered 91–15, part 1, 91st Congress, in my opinion, do exactly what the Senator from Delaware has said. I think that the Senator from West Virginia, on further reflection, might believe that his restriction of his interpretation, that it refers only to items, is too strict an interpretation and one which he would not want to follow. However, I believe every one of us understands what the nature of this is.

The real question is going to be whether this Senate and this Congress in subsequent bills reflects and adheres to some kind of disciplinary program of restraint in spending. This is the key to the entire situation.

There are a few of us here, particularly those who serve on the Committee on Finance—I am not on the Committee on Finance but I serve on the Committee on Appropriations—who know the problems we face. I might add that I am very concerned and I intend to speak at some length on the floor of the Senate about the extent to which the Federal Government is earmarking itself to death. I shall expand on that thought to some extent later.

We now have a situation where actually defense appropriations are eliminated. Under the circumstances most of them at least are not controllable in my mind. Technically they are controllable, but under the situation in which we find ourselves today as realists they are not controllable except within narrow limits. If those items are included as uncontrollable, which they are for the most part, then today Congress is left really with control of only $20 billion out of a total budget of something like $191.9 billion.

In my own previous statements, I have been very generous, and I have said we had as much as $30 billion of controllable items. If one were to take the higher figure, it is shocking and alarming that this Congress has permitted itself to get into a box through trust funds, through commitments, and through contract authority. These are items I shall discuss later. Congress has gotten itself into a box really where we have control over only $20 billion in the Federal budget.

Mr. CURTIS. Mr. President, will the Senator yield for an observation?

Mr. ALLOTT. I yield.

Mr. CURTIS. Mr. President, I wish to commend the distinguished Senator from Colorado for mentioning this very important item.

As a member of the Committee on Finance, and before that the Ways and Means Committee in the House of Representatives, this matter has worried me for a long time. What we are required to spend this year is not the result of decisions that are made this year or by this Congress. It is largely the result of the decisions that have been made during the last 25 years, accumulative in nature, with built-in programs, commitments to people, commitments to communities, to industries, and to foreign countries. The long-range effect of the votes that we cast for or against legislative proposals that set Government programs into motion are more far-reaching than we realize. We sometimes have heard talk of the many new programs started under the Johnson administration. That is true. But I predict we will not feel the effect of all of those programs for possibly 10 years.

Mr. ALLOTT. I thank the Senator very much. Of course, he is entirely correct. I shall mention two or three of these matters, Mr. President.

I forget how much we have appropriated to date for the rent supplement program. I shall not mention a figure because it escapes my mind. However, the fact is that one must multiply that amount by 40 years in order to realize the impact it has on our budget.

In this particular bill, for example, we are making a commitment to IDA, the International Development Association, for $160 million, which is only one part of three payments we will make, making a total of $480 million, which is a half billion dollars. So we have already earmarked for future Congresses for next year and the 92d Congress that will come in after that, $160 million, and they will have no choice but to pay.

The same thing is true in this bill. We have $50 million in the bill for section 235 funds, and $50 million for section 236 funds. But let us not fool ourselves a bit about this matter. For practical purposes it may be diminished somewhat. What we are committing ourselves for on this part of the section 235 funds is as follows. They have already had $25 million, so that makes $75 million for this fiscal year on each of the section 235 and section 236 funds. That is a total of $150 million for this year.

Let us not deceive ourselves. What we are committing ourselves to by doing so is that by giving them the contract authority we are committing ourselves to that sum of $150 million for 40 years in the future, which may be diminished slightly as the incomes of some people rise and perhaps they do not take full advantage of it.

Mr. President, we are painting ourselves into the corner. If any man ever painted himself into the corner, this Congress is painting itself into the corner and past Congresses have painted themselves into a financial corner from which it will be very difficult to remove ourselves. The taxpayers' revolt which we hear about, read about, and get letters from our constituents about, and about which they talk to us, arises from exactly such things as this.

I do support the amendment of the committee because I believe that the provisions on line 24, and subsequent lines, adequately protect us; and they will have a good go at it in conference also.

I thought this was an appropriate place to say I do agree with the interpretation of the Senator from Delaware, and also to call attention of the Senate to this matter because there has been some disposition on the floor of the Senate, as we have seen today, to go back to the old spending habits and then realize that we only have $20 billion left in controllable items that this Congress can act on each year. We had better watch the barnyard door if we expect to have a barn in which to keep the horses in the future.

AMENDMENT NO. 42

Mr. TALMADGE. Mr. President, I call up my amendment No. 42 and ask that it be stated.

The PRESIDING OFFICER (Mr. SPONG in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

The proposed section 401 of the bill is amended by striking out "and" in line 13, page 71 and by striking the period at the end of line 16, page 71 and inserting in lieu thereof a semicolon, the word "and," and the following new subsection:

"(4) the item designated 'Veterans benefits and services' in the table appearing on page 69 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress)."

Mr. TALMADGE. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the amendment.

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

Mr. TALMADGE. Mr. President, as reported by the Committee on Appropriations of the Senate, the exemptions for the Veterans' Administration programs from the proposed limitation on fiscal year 1970 outlays would only include veterans pensions, compensation, and insurance.

This would not include the billion-dollar medical and hospital program and the essential services directly required for the administration of all the veterans programs.

Accordingly, I propose an amendment which will clearly exempt all veterans benefits and services.

This amendment is entirely consistent with the Senate's agreement to the conferees' report to accompany the bill which became the Revenue and Expenditure Control Act of 1968. At that time, the language regarding veterans programs was expanded by the conferees to attain the result proposed in the accompanying amendment in order to make certain that the veterans medical program and necessary services would not be jeopardized by an inflexible limitation on budgetary outlays.

Mr. President, the Vietnam war produces approximately 75,000 new veterans each month. The Congress has passed legislation offering a wide range of well-deserved benefits to the veterans. Demands on every major program of the Veterans' Administration are greatly increased over last year. In the medical program alone during the first 9 months of 1969, more than 14,000 more veterans were admitted to VA hospitals than during the same period in 1968—and yet—Mr. President, under the personnel for-

mula in the Revenue and Expenditures Control Act of 1968, the VA was forced to operate its hospital system with 5,000 fewer employees than they had in 1968—which, mind you, was the same number of employees which they were operating with on June 30, 1966.

The other workload increases in the Veterans' Administration comparing the first 9 months of fiscal years 1968 and 1969 are:

Outpatient visits, up 286,679.
Dental exams, up 22,043.
Dental treatments, up 15,500.
New prosthetic appliances, up 22,844.
Social work caseloads, up 6,999.
Mental hygiene clinic cases, up 3,905.
Clinical laboratory weighted work units, up 5,197,661.
Prescriptions filled, up 1,003,013.
Compensation and pension claims, up 226,113.
Education applications and authorizations, up 445,455.
Education counseling actions, up 22,547.
Loan gurantee appraisal requests, up 18,336.
Guardianship beneficiaries, up 61,357.
Contact personal interviews, up 112,992.
Contact telephone interviews, up 1,787,097.
Incoming mail, up 4,209,047.

Senators should not forget, Mr. President, that the casualties of the Vietnam war are being treated promptly in Veterans' Administration hospitals without the necessity of building a single new hospital. These new patients have been absorbed in the general workload of the Veterans' Administration and we are all happy and proud of that fact, but we cannot permit this agency, in the middle of a war, to suffer a cut that will impair its operations.

Mr. President, there is another factor which has increased the workload in the Veterans' Administration.

When the servicemen came home from World War II they sat around in barracks for a week, and had plenty of time to be counseled. Today, when they come back from Europe, Korea, or Vietnam, they are right out of the service. Now the VA goes to Vietnam.

The Veterans' Administration maintains a staff of 10 contact representatives at seven locations in Vietnam. As of April 30, 1969, a total of 718,164 soon to be discharged GI's had been oriented on their potential GI benefits. Since the inception of this program more than 77,000 personal interviews have been conducted and almost 30,000 actual applications for benefits have been filed by GI's before departure from Vietnam. VA representatives assigned to duty in Vietnam are all volunteers and their tours are for 6 months' duration. Two VA contact representatives have been killed in Vietnam while carrying out their responsibilities.

The VA is conducting a comprehensive bedside assistance program while wounded GI's are still hospitalized in 115 military hospitals. During fiscal year 1968 more than 7,000 visits were made to military hospitals and personal interviews were conducted with 61,867 disabled servicemen. Vocational rehabilitation applications totaled 20,269 and claims for compensation approximated 25,000.

Preseparation group orientation on benefits is provided at 288 military separation points each month. During fiscal year 1968 almost 8,000 visits were made to these separation points by VA contact representatives, over 496,000 servicemen were oriented, and 70,265 personal interviews were conducted.

Certainly, Mr. President, our brave young veterans are entitled to the full range of benefits already granted by the Congress—and they must receive proper service for their future needs. I for one, Mr. President, intend to see that this solemn commitment is fulfilled because there has been no ceiling on death or injury in Vietnam and I do not believe the people of this Nation want the Congress to place a ceiling on the compassion our country has for its veterans, and the agency which must look after these men.

Mr. President, I ask unanimous consent to have printed in the RECORD various telegrams on the subject received from national commanders of veterans organizations.

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

WASHINGTON, D.C.,
*June 16, 1969.*

Hon. HERMAN E. TALMADGE,
*U.S. Senate,*
*Washington, D.C.:*

The Veterans of Foreign Wars of the the United States wholeheartedly supports your effort to insure that veterans benefits and services will not be curtailed at a time when casualties in Vietnam and the return of 75,000 veterans to civilian life each month imposes increasing burdens on the Veterans Administration. We have urged your colleagues in the Senate to support amendment of the second supplemental appropriation bill, 1969 (H.R. 11400), to add veterans services to exemptions, including veterans benefits, already approved by the Senate Committee on Appropriations.

We appreciate your strong support of the Nation's commitment to its veterans.

RICHARD HOMAN,
*National Commander, Veterans of Foreign Wars.*

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WASHINGTON, D.C.,
*June 16, 1969.*

Hon. HERMAN TALMADGE,
*Old Senate Office Building,*
*Washington, D.C.:*

The Disabled American Veterans commends you for your efforts in behalf of the Nation's veterans and strongly supports your amendments to exempt veterans benefits and services form the spending ceiling proposed by H.R. 11400.

WAYNE L. SHERIBON,
*National Commander, Disabled American Veterans.*

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WASHINGTON, D.C.,
*June 16, 1969.*

Hon. HERMAN E. TALMADGE,
*Senate Office Building,*
*Washington, D.C.:*

The veterans of World War One are deeply concerned over certain provisions of H.R. 11400 as reported by the Senate Committee on Appropriations. Payments of pensions, compensations and insurance are excluded from proposed limitations on fiscal year 1970 outlays. However, the billion dollar medical-hospital program which treats almost 800,000 sick and disabled veterans each year and other essential services for benefits already voted by the Congress are not exempt from the proposed bill.

The total veteran population has soared over 27,000,000 veterans this year and with 75,000 new veterans being added to the rolls each month from the Vietnam war unprecedented demands are being made on VA facilities. There are alarming backlogs of cases at practically all VA regional offices and over 14,000 more veterans were admitted to VA hospitals in the first nine months of fiscal year 1969 than during the same period in fiscal 1968.

The Veterans of World War One strongly favor the amendment which you plan to offer to H.R. 11400 exempting all veterans benefits from the ceiling which is proposed by the bill.

VICTOR V. MILLER,
*National Commander, Veterans of World War I, U.S.A. Inc.*

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WASHINGTON, D.C.,
*June 16, 1969.*

Hon. HERMAN E. TALMADGE,
*Senate Office Building,*
*Washington, D.C.:*

The American Legion strongly supports your amendment to H.R. 11400 to remove VA from spending and personnel ceilings on budget expenditure for fiscal year 1970 so that the veterans programs will not be further jeopardized.

Approval of your amendment will assure that VA will be able to carry out its mission to war veterans and their dependents.

Between 70,000 and 80,000 new veterans, many of them disabled, are returning to civilian life each month from the Vietnam war. This, together with increasing workloads in benefits and services to all war veterans is severely impairing VA's ability to effectively administer its programs. The cost of war and veterans benefits—a delayed cost of war—are essential obligations of our Government, and on behalf of the American Legion I thank you for your effort to preserve these programs.

WILLIAM C. DOYLE,
*National Commander, the American Legion.*

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WASHINGTON, D.C.,
*June 16, 1969.*

Senator HERMAN E. TALMADGE,
*Senate Office Building,*
*Washington, D.C.:*

H.R. 11400 as reported by the Senate Committee on Appropriations will severely hamper the future operations of the Veterans Administration hospital program which treats approximately 800,000 sick and disabled veterans each year. H.R. 11400 as reported by the committee exempts benefit payments to veterans and their dependents for pensions, compensation and insurance, but does not exempt hospital and other operations essential to serving our Nation's veterans. There are critical backlogs of cases at most Veterans Administration regional offices brought about by the discharge of 75,000 new veterans each month from the Vietnam war. The Veterans Administration cannot be expected to handle this soaring new workload at 1966 funding and personnel levels. AMVETS strongly support the amendment you plan to offer which would exempt all veterans benefits and services from the ceiling proposed in the bill.

JOSEPH V. FERRINO,
*National Commander, AMVETS.*

Mr. BYRD of West Virginia. Mr. President, I want to thank the distinguished Senator from Georgia for offering the amendment which really carries out the full intent of the committee. I think that possibly it was an oversight that we did not exempt all of the programs which

were exempted last year under the Veterans' Administration. That certainly was the intent of the committee, and the Senator from Georgia is rendering a valuable service in offering his amendment. I thank him for calling the error to my attention.

I feel sure that the amendment should and will be adopted and, therefore, Mr. MUNDT and I are willing to accept it because, as I said before, it merely fulfills and rounds out the exact intent of the committee when it placed the veterans programs in the exempt category of uncontrollable items under the bill.

Mr. TALMADGE. I thank the Senator from West Virginia for his generous remarks and the other members of the subcommittee for accepting this amendment. I felt certain that neither members of the Appropriations Committee nor the Senate meant to cut back on hospital services and benefits for our wounded veterans returning from Vietnam at this time.

Mr. BYRD of West Virginia. That is correct. What the Senator's amendment would do would be to assure that this act will exempt exactly what was exempted last year, with respect to those items under the Veterans' Administration.

Mr. MUNDT. Mr. President, let me say to the chairman of the subcommittee and to the distinguished Senator from Georgia that I am very happy to support some of the veterans organizations, who have called the attention of the subcommittee to this matter; but it was a misinterpretation on our part because we thought we had done precisely what the Senator's amendment will now accomplish. We intended to do that. The Talmadge amendment will button it down firmly and strongly. I assure the Senator from Georgia that the subcommittee will fight the valiant battle in conference to be sure it will still be in the bill.

Mr. TALMADGE. I thank the distinguished acting minority member of the subcommittee.

Mr. BYRD of West Virginia. Mr. President, the Senator from Georgia discussed this with the able Senator from South Dakota (Mr. MUNDT) and with me, and we agreed that we would accept it. We are happy to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 42) of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended, beginning on page 70 of the bill.

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 Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 80, nays 9, as follows:

[No. 39 Leg.]

YEAS—80

| | | |
|---|---|---|
| Aiken | Gore | Montoya |
| Allen | Gravel | Mundt |
| Allott | Griffin | Murphy |
| Baker | Harris | Muskie |
| Bellmon | Hart | Nelson |
| Bible | Hartke | Pastore |
| Boggs | Hatfield | Pearson |
| Brooke | Holland | Pell |
| Burdick | Hollings | Percy |
| Byrd, Va. | Hruska | Prouty |
| Byrd, W. Va. | Hughes | Proxmire |
| Cannon | Inouye | Randolph |
| Case | Jackson | Ribicoff |
| Church | Javits | Schweiker |
| Cotton | Jordan, N.C. | Scott |
| Dirksen | Jordan, Idaho | Smith |
| Dodd | Kennedy | Spong |
| Dole | Long | Stennis |
| Dominick | Magnuson | Stevens |
| Eagleton | Mansfield | Symington |
| Eastland | Mathias | Talmadge |
| Ellender | McCarthy | Tower |
| Ervin | McClellan | Tydings |
| Fannin | McGovern | Williams, N.J. |
| Fong | Metcalf | Young, N. Dak. |
| Goldwater | Miller | Young, Ohio |
| Goodell | Mondale | |

NAYS—9

| | | |
|---|---|---|
| Bennett | Curtis | Packwood |
| Cook | Gurney | Thurmond |
| Cooper | Hansen | Williams, Del. |

NOT VOTING—11

| | | |
|---|---|---|
| Anderson | McGee | Saxbe |
| Bayh | McIntyre | Sparkman |
| Cranston | Moss | Yarborough |
| Fulbright | Russell | |

So the committee amendment, as amended, beginning on page 70 of the bill, was agreed to.

The PRESIDING OFFICER. The clerk will state the last committee amendment that was not agreed to.

The assistant legislative clerk read as follows:

On page 73, after line 5, insert a new section, as follows:

"SEC. 503. Section 201 of the Revenue and Expenditure Control Act of 1968 (Public Law 90–364, approved June 28, 1968), is hereby repealed."

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, it is my understanding that there will be some controversy on the proposal embodied in the pending committee amendment, and I should like at this time to ask, with the approval of the manager of the bill and the distinguished senior Senator from Delaware (Mr. WILLIAMS), that there be a time limitation on the amendment of 30 minutes, the time to be equally divided between the two Senators.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I have no objection to that. All I want is a rollcall vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is my further understanding that immediately upon conclusion of the vote on the pending proposal, the distinguished senior Senator from South Carolina (Mr. THURMOND) will obtain the floor to deliver a speech of approximately 30 minutes.

Therefore, I ask unanimous consent that, when the pending matter is disposed of, the amendment to be offered by the distinguished Senator from New York (Mr. JAVITS) be laid before the Senate and made the pending business for tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I shall attempt to be brief.

This amendment by the committee would repeal section 201 of the Revenue and Expenditure Control Act of last year—Public Law 90–364.

What did that section do? It said that only three out of every four vacancies occurring in the executive branch could be filled, until such time as the overall level of Federal employees was equal to the level of June 30, 1965. It also required that that June 30, 1966, level had to be maintained, once it was reached.

In the testimony before our subcommittee, it was stated by Mr. Mayo and by various department heads and agency representatives that this section 201 had worked a great hardship upon the agencies, that it had been overly stringent, and that in some instances it had caused the agencies to have to expend more money to do the same amount of work than they would have had to expend otherwise. In other words, it ended up costing the Government money in some instances rather than saving money.

For example, the Bureau of Customs was unable to examine all mailed packages, and, as a consequence, it was estimated that the loss in revenue was between $30 million and $40 million.

The Social Security Administration, because it could not fill all of the vacancies that it needed to fill, had to resort to much overtime, and the result was that the agency spent $6 million more in over-

time than it would have had to spend to do the same amount of work on a regular worktime basis.

The Bureau of Internal Revenue, it was indicated, had lost an estimated $500 million in revenue because of the fact that it was restricted by this section from filling needed positions; and it was also estimated that if the section remains unrepealed, the Bureau of Internal Revenue may lose up to $1 billion in revenues in the forthcoming fiscal year.

Secretary of the Treasury Kennedy has noted that he is faced with the problem of "having professional and upper grade personnel do their own clerical work and typing because of vacancies not being filled at the clerical levels." He has "also had to resort to the costly practice of overtime and use of intermittent—casual—employees, since these are exempt from the ceiling."

Secretary of Transportation Volpe has said that aging facilities of the St. Lawrence Seaway have been maintained only through the use of increased overtime. Furthermore, it has been reported that a number of agencies, contrary to official policy, are resorting to expensive contracting-out of jobs that should ordinarily be done in-house. Moreover, there have been complaints from Federal employee unions that in some installations military personnel are being substituted for civilian personnel in the Department of Defense.

In summation, then, everyone recognizes the validity of the desire to reduce the number of Federal employees. So there is no criticism of the idea behind section 201, but all too often it simply has proved to be unworkable and self-defeating; it has proved to be overly restrictive on some agencies; it has been too rigid, and it has brought about an inefficient utilization of employees; and it has in some instances resulted in higher costs rather than savings, as I have already pointed out; and so both Presidents, Mr. Johnson and Mr. Nixon, have expressed their opposition to it.

The 1970 estimates as submitted by President Nixon and by President Johnson have in both instances assumed the repeal of section 201 of 90–364, and have assumed its repeal at the beginning of fiscal year 1970, the new year.

The House just within the waning days of last month passed two appropriation bills, one making appropriations for the Departments of Post Office and Treasury, and the other making appropriations for the Department of Agriculture. In both of those bills, the other body repealed section 201 for those departments only, and for 1 year only. So, what we are doing here in the bill before the Senate is repealing section 201 permanently and all the way across the board.

I must say that I think Congress accomplished some good in having this section in the law for 1 year.

Some good has resulted. The employment limitations have compelled the closing of a number of marginal installations which should have been closed out sometime ago. An arbitrary limitation enacted by the Congress has been used as the lever to offset the political pressures—sometimes emanating from the Congress itself—which have often forced the continuation of marginal activities.

As bad as it is, the law has also provided some good managers with the incentive to come up with ingenious approaches and new ideas. Moreover, in the past, dollar limitations—due to changing circumstances—have not always prevented agencies from hiring more employees than would be consistent with efficient management oversight. Much hiring can take place near the end of the fiscal year to boost employment levels for the start of the next fiscal year. This higher employment can then be used to justify more dollars since the yearend level of employment must be "annualized." Therefore, some type of personnel constraint, in addition to the dollar constraints, may well be desirable. However, it should relate to agency programs and priorities, and should not be determined by an arbitrary formula.

The President in this administration has already gone on record as saying that he intends to cut Federal employment as much as is advisable and feasible and economical, and that he does not want this restriction in the law which is unduly stringent upon some agencies, more so than upon others. I think we should give him a chance to make good on his promise.

The present administration, I am told, in testimony before the committee and otherwise, has cut the number of Federal employees from the figure envisioned in the Johnson budget by approximately 48,000.

The Johnson budget would have increased the number of Federal employees by 43,000, it has been said, whereas the Nixon administration states it is going to cut that figure out entirely and further reduce employment by 5,000. That makes a total of 48,000 fewer employees than the Federal Government would have had under the Johnson budget, so the testimony states. In other words, the 2,650,000 figure as of June 30 for full time permanent employees will be dropped to 2,645,000.

The Nixon administration says it is going to follow through with the employees reductions Congress wants, but that it does not want to be strait-jacketed by section 201.

I urge that the Senate affirm the committee action and repeal section 201 so that we do not have to do it piecemeal in every appropriation bill that comes before the Senate, as the House is already endeavoring to do.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself such time as I need.

Last year Congress passed the law the purpose of which was to allow the Government to replace but three out of every four retirees. It gave the Director of the Bureau of the Budget the authority to make those cuts in any agency which he thought would least disrupt service to the people.

One department could be given increased employees while the cuts were being made in less essential services, or the reduction could come from some overstaffed agency.

The approval of the language of that bill had been agreed upon by the Secretary of the Treasury and the Director of the Budget.

The bill was passed. The fact that it has served as some handicap to various departments in itself is commendable because they need a little handicap. Our civilian employment had exceeded the three million figure. If we now repeal this measure we might as well recognize that the Senate is approving another merry-go-round of increased Government personnel.

I was interested in, but not at all amused by, the statement of the Secretary of the Treasury, Mr. Kennedy, when he claimed the Treasury lost $500 million as a result of this law and would lose $1 billion next year unless it were repealed.

I said to him:

I suppose then we can reduce the budget by $1.5 billion if we repeal this law and then you can pick up the extra revenue.

He said:

Well, that was just a guess.

It is the same kind of a guess and the same kind of irresponsible statement—and I emphasize the word irresponsible—as when he said that if we do not pass the surtax there would be price and wage controls.

Both statements were made at a time when he should have been thinking rather than speaking.

But for the moment let us assume that the Secretary was serious in saying that he needed these employees to collect the taxes and serve the people in the Customs Service. Then why did they add 2,745 employees in the Agriculture Department last month instead of hiring more revenue agents?

We already have as many employees in the Agriculture Department as we have farmers. After all, they are spending, not collecting money.

The Interior Department last month added 1,418 employees.

If they needed the employees in the Treasury Department why were they not added there? But they put the 1,400 extra employees in the Interior Department.

In the Post Office Department 2,324 were added, and 707 employees were added in the civilian department of the Army.

Why, if they needed them in the Treasury Department, did they not add them there? Or better yet, why did they not put to work some of the employees they already had?

The Treasury Department has several hundred employees selling E bonds to the workingmen at 4¼ percent interest which, in my opinion, is immoral at a time when the Government itself is paying 6.5 percent interest to anyone who has $1,000 to invest. But did they cut back employees in that department? Not at all. They add employees in every category but where they say they need them. They always come back and threaten a loss of service if anyone dares suggest that the operation could be more efficient.

That goes for this administration as well as for the other administration. President Johnson promised he would

cut the number of employees without any urging from Congress. In fact, the bill which I had passed was President Johnson's Executive order which he issued but then promptly ignored.

President Johnson said when he issued that Executive order that he had more employees on the payroll than were needed. He criticized the padding of the public payrolls at the taxpayers' expense and said that he was issuing that Executive order to cut the number of employees back to the 1966 level. Instead he added an additional 40,000 employees. I suppose those employees were considered necessary to find out whom he could lay off.

Every time anyone talks about cutting the number of employees we find that they have put on more until this restriction was placed in the law. Certainly it has pinched. I would like to see it pinch them a little more.

The issue is very clear here today. Do we really want to reduce the level of Federal employment? That goes for Congress as well as the executive branch. Just this afternoon the Senate had to clear the Senate Chamber in order to hear what was going on because some of the surplus employees in the Senate offices were here loafing, and we could not even find a way for Senators to get to their seats.

Let us put the employees we have to work during the hours they are on the job. If they stop loafing during the day they will not have to work all of this overtime.

Let us reject the committee amendment, and let us keep the heat on.

I call attention to the fact that under the 1970 budget the Agriculture Department wants another 3,400 employees.

I do not know what they are doing with all of these employees in the Agriculture Department unless they plan to put on the public payroll all of the little farmers that they are trying to break with some of their absurd programs.

The 1970 budget requests are for 46,000 employees. How many of these 46,000 were to be added in the Treasury Department? About 10 percent, and all of the rest of them were to be added to the spending agencies. They would be spending twice as fast as the 7,000 employees than the Treasury Department could collect it.

I repeat, the Director of the Budget has the authority under the existing law to allocate the cuts in any area he wishes, and to assign employees in an area where they are most needed.

Both President Johnson and President Nixon have said that there is an overstaffing in many of these agencies. Let us start rolling them back.

It has been admitted that since the present law has been in effect Federal employment has been reduced by at least 60,000 employees.

This involves an annual saving of $600 million, and that is no guess. It costs at a minimum about $10,000 annually for every employee put on.

I hope the amendment is rejected and the present law is retained.

I will say to the Senator from West Virginia that I am glad he has presented this issue. It is clear cut here—repeal the law in its entirety or make up our minds that we will keep it.

This is the time for the Senate to stand up and be counted.

Let us cut out this piecemeal job. Earlier this afternoon the Senate removed any ceiling on spending. The least it can do is to keep a ceiling on the number of employees.

So far as I am concerned I am willing to yield back the remainder of my time. Let us vote.

Mr. BYRD of West Virginia. Mr. President, a moment ago, I referred to the appropriation bill passed by the House as the Post Office and Civil Service appropriation bill. What I meant to say was the Treasury and Post Office appropriation bill.

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

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. I think the Senator from Delaware is entitled to know this: In the Agriculture Department, that increase of employees has to do with the nutritional aides that are being employed to try to help give a better level of information as to what is sound nutrition to the poor people who are being served by that department. I see no way we can avoid that.

So far as the Agriculture Subcommittee is concerned, speaking as one member, I do not see how we can do that job without repealing the effect of this law as to the Agriculture Department.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ALLEN in the chair). All time on the committee amendment is yielded back.

The question is on agreeing to the committee amendment on page 73, lines 6, 7, and 8. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi, (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I also announce that the Senator from Utah (Mr. Moss), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Ohio (Mr. SAXBE) are detained on official business.

The result was announced—yeas 61, nays 24, as follows:

[No. 40 Leg.]

YEAS—61

| | | |
|---|---|---|
| Aiken | Hart | Nelson |
| Allott | Holland | Pastore |
| Baker | Hollings | Pell |
| Bennett | Hruska | Percy |
| Bible | Hughes | Prouty |
| Boggs | Inouye | Randolph |
| Burdick | Jackson | Ribicoff |
| Byrd, W. Va. | Jordan, N.C. | Schweiker |
| Cannon | Kennedy | Scott |
| Case | Long | Smith |
| Church | Magnuson | Spong |
| Dirksen | Mathias | Stennis |
| Dodd | McClellan | Stevens |
| Eagleton | McGovern | Symington |
| Ervin | Metcalf | Talmadge |
| Fong | Miller | Tower |
| Goodell | Mondale | Tydings |
| Gore | Montoya | Williams, N.J. |
| Gravel | Mundt | Young, N. Dak. |
| Griffin | Murphy | |
| Harris | Muskie | |

NAYS—24

| | | |
|---|---|---|
| Allen | Dole | Jordan, Idaho |
| Bellmon | Dominick | Mansfield |
| Brooke | Fannin | Packwood |
| Byrd, Va. | Gurney | Pearson |
| Cook | Hansen | Proxmire |
| Cooper | Hartke | Thurmond |
| Cotton | Hatfield | Williams, Del. |
| Curtis | Javits | Young, Ohio |

NOT VOTING—15

| | | |
|---|---|---|
| Anderson | Fulbright | Moss |
| Bayh | Goldwater | Russell |
| Cranston | McCarthy | Saxbe |
| Eastland | McGee | Sparkman |
| Ellender | McIntyre | Yarborough |

So the committee amendment on page 73, lines 6, 7, and 8, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the committee amendment on page 73, repealing section 201, was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the clerk will state the amendment offered by the Senator from New York (Mr. JAVITS), after which the Chair will recognize the Senator from South Carolina.

The LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes for himself and Mr. NELSON, Mr. BROOKE, Mr. CASE, Mr. GOODELL, Mr. MATHIAS, Mr. HART, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. EAGLETON, Mr. CRANSTON, Mr. YOUNG of Ohio, and Mr. MCCARTHY an amendment as follows:

On page 16, line 25, strike out the figure "$7,500,000" and insert in lieu thereof "$55,000,000".

The PRESIDING OFFICER. Under the previous order this amendment (No. 40) becomes the pending business.

Mr. BAKER. Mr. President, I send to the desk an amendment to title 4 of the pending bill and ask that it be stated.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. BAKER. I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the consideration of the amendment which I have sent to the desk.

The PRESIDING OFFICER. Without

objection, the pending amendment will be laid aside and the clerk will state the amendment offered by the Senator from Tennessee.

The LEGISLATIVE CLERK. The Senator from Tennessee (Mr. BAKER), for himself, the Senator from Tennessee (Mr. GORE), and the Senator from Alabama (Mr. SPARKMAN) proposes a new paragraph at the end of title 4 as follows:

Expenditures by the Tennessee Valley Authority out of the proceeds from its power operations, from the sale of any power program assets, or from power revenue bonds, notes, or other evidences of indebtedness shall not be subject to any limitations imposed by this title.

Mr. BAKER. Mr. President, this exemption would have nothing to do with appropriated funds. It has to do only with internally generated funds of the Tennessee Valley Authority which they earn.

This proposal was accepted by the Senate last year, and I understand it may be accepted by the manager of the bill this year.

The amendment would exempt from any limitation on Federal expenditures imposed by the pending bill the power operations of the Tennessee Valley Authority.

Mr. President, I wish to assure my colleagues that this amendment does not derive from any parochial interest on the part of the junior Senator from Tennessee to protect the Tennessee Valley Authority from being required to bear its fair and proportionate share of any expenditure reductions that may result from an expenditure limitation that I favor as an earnest commitment of the Congress to fiscal responsibility. As I hope to explain, the power operations of TVA are unique in their nature and in their funding. The Congress last year passed a virtually identical amendment to exempt TVA power operations from the provisions of the Revenue and Expenditure Control Act of 1968.

Mr. President, the Tennessee Valley Authority undertakes two separate and distinct functions in the seven-State region that it serves. One of these two functions is essentially a conservation program, in which TVA plans and constructs flood control projects, creates reservoirs for municipal water supply, industrial use and recreation, promotes fish and wildlife populations, encourages enlightened agricultural and forestry practices, and so on. All of these activities are financed with funds appropriated annually by the Congress out of the general funds of the Treasury.

The second function of TVA is its function as sole supplier of power within those parts of the seven States of the region that it serves. Since 1959, the power operations of TVA have been wholly self-financed. Whereas the conservation activities of TVA are financed with annual appropriations, the power activities of TVA are financed entirely out of revenues derived from the sale of power and from the issuance by TVA of revenue bonds and notes, bonds and notes which must be approved by the Secretary of the Treasury but which do not bear the full faith and credit of the Federal Government.

In addition to financing its own power operations, Mr. President, the Tennessee Valley Authority makes annual payments into the Treasury of the United States out of its net power earnings. These annual payments are a repayment of the original investment of appropriated funds that was made prior to the 1959 amendment that authorized self-financing. TVA also makes an annual payment as a return or dividend on the outstanding appropriation investment. In 1968, TVA paid into the Treasury, out of its net power earnings, $61.9 million, which represented a reduction by $15 million of the original investment and a dividend payment of $46.9 million.

The amendment that I have proposed would in no way exempt the conservation-related activities of TVA from the expenditure limitation. The revised budget request of the new administration for these nonpower operations is for an appropriation of $49,750,000. These funds would not be affected by my amendment and would be subject to any reduction made necessary by the expenditure limitation.

What my amendment would exempt from the expenditure limitation is the TVA power program, which is wholly financed out of power proceeds and borrowings. TVA, during 1970, will be the sole supplier of an estimated 97.9 billion kilowatt hours to an area of 80,000 square miles. TVA generates power and transmits it to wholesale distributors who in turn sell the power to domestic and industrial users throughout the valley. TVA also supplies power directly to a few large industries and to several government agencies such as the Atomic Energy Commission—that require enormous amounts of electrical energy for their operations. The Board of Directors of TVA must anticipate the rapidly expanding power needs of the region and continue the construction of the new generation and transmission facilities that will be required to meet that need. In 1970 TVA will have under construction five nuclear generating units and three fossil-fueled units. Any artificial or arbitrary restriction of those projects would have the most serious consequences on the obligation of TVA to anticipate and to provide for the legitimate power needs of the region.

Mr. President, last year the Senate accepted an amendment to the Williams–Smathers substitute, which eventually became the Revenue and Expenditure Control Act of 1968, an amendment identical in effect to the one I have introduced today. Unfortunately, that amendment was stricken in conference. However, the same amendment was later offered to the Rivers and Harbors Act of 1968 and was accepted by both Houses. It is now a part of Public Law 90–483.

Mr. President, any reduction in the power operations of the Tennessee Valley Authority would not result in any saving to the Treasury or to the American taxpayer. Net power earnings would simply increase in the short-term and would accumulate in the treasury of TVA, not in the Treasury of the United States. The capacity of TVA to plan for and to provide the future power needs of the region, of which TVA is the sole supplier, would be seriously jeopardized.

Mr. President, I reiterate for the sake of emphasis that nothing in my amendment would affect the nonpower operations of TVA that are financed out of appropriated funds; these projects would as it were take their lumps along with those of every other Federal agency. My amendment would affect only those expenditures made out of other than appropriated funds, that is, out of power proceeds and borrowings by TVA that are not backed by the faith and credit of the Government. The principle justification for this amendment is not that TVA's power operations are vitally important to millions of Americans—which they are—but rather that these power operations pay their own way and are not financed through the appropriation and expenditure of general public funds.

Mr. BYRD of West Virginia. Mr. President, this item was exempted last year by Congress. The Senator discussed the matter with the Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the subcommittee, and with me. Mr. MUNDT and I have agreed to accept the amendment and to take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER).

The amendment was agreed to.

Mr. BAKER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

### PROGRESS ON WASHINGTON'S RAPID TRANSIT SYSTEM

Mr. TYDINGS. Mr. President, the pending supplemental appropriation bill contains $18.7 million to begin construction on the long overdue Washington metropolitan area subway and rapid mass transit system. Appropriation of this money now, together with matching appropriations enacted in previous years, will make possible an immediate and substantial beginning of the subway system.

Last week the Senate and House Committees on the District of Columbia held extraordinary joint hearings to consider legislation which will provide the billion dollars of Federal money necessary to complete financing of the entire 97-mile Washington area transit system. This Federal assistance will match local government contributions and bonds financed from farebox revenues totaling more than $1.4 billion.

The rail transit system these funds will create will be a model for the entire Nation, will provide essential transportation for Federal employees and provide a vital link of the balanced transportation system Washington so desperately needs.

In order to expedite the progress of that legislation through Congress, I have scheduled an executive session of the Committee on the District of Columbia for 8 a.m., July 1, to consider and, hope-

fully, to report that billion-dollar Federal authorization. If we can meet the timetable I propose, the full Federal share of the subway rapid transit system costs can be authorized by the Senate well before the August recess. With comparable expedition by the House of Representatives, we may be able to secure enactment of this legislation by both Houses before the fall.

The $18.7 million contained in this supplemental appropriation bill today, however, is the first step on the long journey to the completion of the subway system. That journey has been too long delayed by differences which must be compromised to create a balanced transportation system for Washington.

As I indicated last week during the hearings on the full Federal share of subway costs, if money is not appropriated this year to begin the subway system, the entire Washington metropolitan area rapid mass transit plan may collapse. Costs are rising at a rate of $90 million a year. That is a quarter of a million dollars a day.

As Chairman Fred Babson, of the Washington Metropolitan Area Transit Authority, testified at our hearings last week, if inflation requires recomputation of the suburban shares of the subway cost and an upward adjustment of the Federal cost, the delay of the rapid transit system in Washington will not be a matter of months or years, but perhaps even of decades.

That is why the money contained in the supplemental appropriation bill is vitally important to the future of the entire subway system.

In view of the transportation crisis facing the Washington metropolitan area, and in view of the fact that the $18.7 million in this legislation is the keystone of a balanced answer to that crisis, it is fair to say that this supplemental appropriation bill may prove to be the most important legislation Congress will enact in this session, perhaps in this entire decade, for the Washington metropolitan area.

The PRESIDING OFFICER. Now, the question recurs on the amendment offered by the Senator from New York (Mr. JAVITS), which is the pending business before the Senate.

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## SUPREME COURT JUSTICE DOUGLAS AND GAMBLING LINKS OF THE PARVIN FOUNDATION

Mr. THURMOND. Mr. President, I want to announce that I am going to make a speech against Supreme Court Justice Douglas, and if any Senator is interested in replying, I shall be glad to stay here as late as necessary and debate the question.

Mr. President, much attention has been directed toward the gambling interests held by the Albert Parvin Foundation in the period during which Mr. Justice Douglas was president of the foundation, but there has yet been no systematic presentation of these interests. While gambling is a legitimate enterprise in Nevada, its past, and to a degree its present, is inseparable in the public mind with gangsterism and corruption. The history of most of the major casinos, including those associated with the Parvin Foundation's interests, has been intertwined with the worst elements in American society. Even in cases where such casinos have come under legitimate ownership and management, the public suspects, rightly or wrongly, that persons with criminal records are still involved in the operation. These public suspicions are confirmed by the statement of J. Edgar Hoover that Nevada's organized gambling "occupies a position of major importance in the scheme of organized crime and racketeering"—New York Times, November 26, 1966.

If a private investor wishes to expose himself to such suspicion for the sake of legal gaming profits, he has every right to do so. However, an Associate Justice of the U.S. Supreme Court can only bring the Court into disrepute by associating himself with the profits of such enterprise, and I again call for his resignation.

Mr. President, I intend to show here today that the Parvin Foundation profited handsomely from its gambling interests. The very basis of the funds which Justice Douglas was administering in the name of so-called charitable causes was deeply rooted in the gaming business, with all the associated activity that brings it in deep disrepute.

I will show here today that the Parvin Foundation's links to gambling went far beyond the mere holding of gambling stocks in its portfolio. Indeed, the two men who can be identified as responsible for the foundation's financial management, Albert Parvin and Harvey Silbert, were closely identified with the actual management of the Fremont Casino—Parvin as a casino owner, and Silbert as the father-in-law of another casino owner, whose record will be shown later in this address.

Parvin and Silbert also arranged a $750,000 mortgage loan from the foundation for their company, Parvin/Dohrmann, at a time when money was tight. This loan has come under scrutiny by the Internal Revenue Service. It was the object of a stockholder's suit, which, if it had reached the Supreme Court, would have required Justice Douglas to disqualify himself.

In addition, Parvin and Silbert allowed Ed Levinson to become a $100,000 employee of Parvin/Dohrmann, and to purchase 40,000 shares of P/D stock, with full knowledge that Levinson had been notified that he faced possible criminal charges for "skimming" operations at the Fremont Casino.

In addition, Parvin and his associates in P/D held private interests in at least five other Las Vegas casinos.

Finally, the Parvin Foundation recently quadrupled its investment in P/D stock by selling out at a high speculative price brought on by questionable manipulations and rumors of increased gambling activity.

I

Mr. President, I shall take up these points one by one, and spell them out in complete detail. But first, it is noteworthy that the original capital of the Parvin Foundation was derived from the proceeds of the sale of Albert Parvin's stock in the Hotel Flamingo in 1959. No hotel and casino had a worse reputation than that of the Hotel Flamingo, which was originally built and operated by the notorious Bugsy Siegel. Siegel's ownership was ended in gangland fashion when he was murdered by a hidden assassin. It passed through various hands before Albert Parvin acquired a substantial interest in it in the 1950's. He donated 2,085 shares of Flamingo stock worth $1.6 million to set up the foundation. The public records are not clear, but this stock appears to have been converted to other holdings. In 1964, the foundation listed on its tax return in the category of "other assets" an interest in the "Hotel Flamingo custodian account," worth $1.1 million. This account was substantially liquidated in 1967 without any explanation.

I make no allegations concerning the Hotel Flamingo, except to point out that the fundamental basis of the Parvin Foundation was a substantial interest in a hotel and casino which bore the worst possible image in the public mind and in many newspaper and magazine articles over the period, and is, indeed, almost the primary example of a notorious enterprise.

II

Mr. President, the second link of the Parvin Foundation to gambling interests was some 31,291 shares of stock in the Parvin/Dohrmann Co.—as of 1967 tax returns—listed at a book value of $450,000. This stock was sold between November 1968 and March 1969. The March sale consisted of 21,719 shares at $91.75 per share, for a total of $1,999,324, according to the Associated Press. It should be noted that this price is a speculative value, up from $38 per share last October. The rise is apparently related to the sale of Parvin/Dohrmann to a new management group headed by Delbert Coleman, which is rumored to be aggressively interested in expanding gambling operations. Indeed, a large portion of the stock was purchased and held briefly by the Fund of Funds Proprietary Funds, Ltd., an international enterprise with gambling interests in the Bahamas. The Nevada Gaming Commission forced the sale of the FOF interests in Parvin/Dohrmann.

The history of this stock since the change of ownership has been that of a fantastic rise to $141 high, due to the rumors. The Securities and Exchange Commission and the American Stock Exchange forced a suspension in trading because the chief purchaser, Coleman, failed to disclose all relevant information concerning the transaction. A principal item which he failed to disclose was the participation of the Funds of Funds.

Thus, the record shows that the Parvin Foundation profited handsomely from questionable speculation related to international gambling activities.

III

Mr. President, the third link of the Parvin Foundation to gambling interests concerns its relation to Fremont Casino, Inc. In 1966, when the link to the Fremont Hotel was first revealed, Harry

Ashmore, serving as a spokesman for the Parvin Foundation, was quoted by Newsweek as saying that the trust arrangements effectively insulated the foundation from the operation of any Las Vegas "enterprises."

A careful examination of the corporate structure of the Parvin-Dohrmann Co., shows that this statement is not true. In the first place the foundation's bloc of Parvin/Dohrmann stock resulted in Parvin/Dohrmann profits going directly to the foundation. More important, however, is the close identification of the principal members of the board of the foundation with the actual operations of the casino at the Hotel Fremont.

The board of directors of the Parvin Foundation, before Justice Douglas resigned, consisted of the following: Justice Douglas, president and chairman; Albert Parvin, vice chairman; Harvey Silbert, secretary-treasurer; Harry Ashmore, director; Robert Hutchins, director; Robert Goheen, director; Sidney M. Davis, director.

The decisive personalities in this group appear to be the vice chairman and the secretary-treasurer, if we may assume that Justice Douglas paid little attention to the gambling interests in the foundation's portfolio. Mr. Ashmore, Dr. Hutchins, and Dr. Goheen are academic figures, who presumably are representing the interests of the Center for the Study of Democratic Institutions and Princeton University. Albert Parvin, according to the press, managed the foundation's portfolio for 7 years until the Internal Revenue Service questioned his management; Harvey Silbert, as secretary-treasurer, handled the finances and the records of board decisions.

But Parvin and Silbert also were two of the key officers in the other Parvin enterprises until last January. The principal corporation is the Parvin/Dohrmann Co., a Delaware corporation. Parvin/Dohrmann owned 100 percent of the stock of three other corporations: among others, Albert B. Parvin & Co., the Dohrmann Co., and the Fremont Holding Co. The Fremont Holding Co., in turn, owns 100 percent of the assets of the Fremont Hotel, Inc., which is the management operations of the hotel itself. The casino in the Fremont Hotel—which in the past has accounted for over half of the operation's business—is leased out to a separate corporation, legally separate from Parvin/Dohrmann, called Fremont Casino Corp. It is the Fremont Casino Corp. that most concerns us, because it is the legal entity charged under its Nevada licenses with operating the gambling enterprises at the Fremont Hotel.

The board of directors of the Parvin/Dohrmann Co. before its sale in October 1968 were as follows: Albert Parvin, president and chief executive officer; Harry A. Goldman, chairman of the board; Maxwell L. Rubin, director; Harvey L. Silbert, vice president; E. Parry Thomas, treasurer; N. J. Goldman, assistant secretary; Jules Berman, director; W. L. Vogler, director; R. I. Furbush, director.

This board of directors was controlled by Parvin, Harry A. Goldman, and Silbert, who together owned more than 40 percent of the stock.

The salaries of the leading executives were as follows: Parvin, $97,500 per year; Harry Goldman, $95,000 per year; N. J. Goldman, $50,417 per year.

It ought to be added for the record here that N. J. Goldman is the son-in-law of Harvey Silbert, a material relationship. Thus, for all practical purposes, Parvin/Dohrmann was controlled by Parvin, the two Goldmans, and Silbert.

Now we come to the significant point; namely, the operation of the Fremont Casino. As I already pointed out, the Fremont Casino facilities were leased by Fremont Hotel, Inc. to a separate corporation called Fremont Casino Corp., not owned by Parvin-Dohrmann.

The ownership of the Fremont Casino Corp.—and thus the management operation for the casino—consisted of the following: A. B. Parvin, 135 shares, 45 percent, $135,000; Harry A. Goldman, 135 shares, 45 percent, $135,000; N. J. Goldman, 30 shares, 10 percent, $30,000.

Thus, it is clear that the managerial base of the Parvin Foundation, the Parvin/Dohrmann Co., and the Fremont Casino Corp. consist of the same small group of associates; namely, Parvin, the two Goldmans, and N. J. Goldman's father-in-law, Silbert.

Thus, it seems incredible that Harry Ashmore could insist that the various trust arrangements isolated the foundation from the operation of any enterprise in Las Vegas. For it is clear that not only was the operation of the Fremont Casino identified with the same managerial group, but the actual ownership of the casino operating entity was not even diluted by the spread of stock ownership in the Parvin/Dohrmann Corp.

It should be pointed out that the relationship between Parvin/Dohrmann and the Fremont Casino was so close that it was attacked in a stockholder's suit in the Court of Chancery of the State of Delaware, Kaufmann against Parvin and others. This suit resulted in a settlement which, among other things, resulted in a revision of the lease arrangements with the Fremont Casino in order to protect the other stockholders of Parvin/Dohrmann. This settlement included a stipulation that the terms of the lease be revised every year if necessary "so as to eliminate all profit to Fremont Casino Corp. from the operations of the Fremont Casino." In addition, the Fremont Hotel, Inc. was given a stock option agreement to purchase the Casino Corp. under certain conditions.

These changes were the result of a stockholder's complaint that the lease arrangements were not produced as a result of "arms-length negotiations." The board of Fremont Hotel consisted of Parvin, Harry Goldman, and two employees, while the board of the Casino consisted of Parvin and the two Goldmans. It is clear, therefore, that even the courts of Delaware have recognized that the relationship among the members of this group was too close to protect the public interest.

IV

The fourth link of the Parvin Foundation to gambling interests is the mortgage which the foundation granted to the Parvin/Dohrmann Co. in December 1967. In 1962, the Parvin/Dohrmann Co. bought some property on Wilshire Boulevard in Los Angeles and took out a mortgage of $764,000 that was due on December 31, 1967.

When December 1967 arrived, the economy was suffering a tight money market. Nevertheless, the mortgage had to be refinanced. At this point, Parvin turned to a convenient source of funds which he controlled with his associates; namely, the Parvin Foundation. In December 1967 the Parvin/Dohrmann Co. remortgaged the Wilshire Boulevard property for $750,000 at 7½ percent interest.

According to the latest income tax returns, the Parvin Foundation still holds this mortgage outstanding, despite the increased interest of Parvin/Dohrmann in gambling operations. According to various press reports, this self-dealing transaction is presently under close scrutiny by the Internal Revenue Service to see whether any wrong-doing was involved. I will not presume to judge this transaction before this investigation is complete.

However, the questionable nature of this transaction resulted in court action against Albert Parvin and Parvin/Dohrmann Co., charging that Parvin's dual role in the foundation and in the company was a conflict of interest. This court action was part of the suit Kaufmann against Parvin et al., mentioned above. The stipulation of settlement arrived at in this suit did not touch upon this claim; but the action does serve to illustrate how complicated financial maneuvers frequently are brought into court and point out the impropriety of a Justice of the Supreme Court undertaking obligations which might result in occasions when he would have to disqualify himself when suits such as this might reach the Supreme Court.

V

The fifth link between the Parvin Foundation and gambling interests is evident in the transaction whereby Parvin/Dohrmann purchased the Fremont Hotel. The principal stockholders before the sale were Ed Levinson and Edward Torres. The unsavory background of these men is well known and was discussed on this floor on June 5 by the junior Senator from Nebraska (Mr. CURTIS). It is important to understand, therefore, that not only did Parvin and his associates take over a hotel and casino that was a scene of scandal and notoriety, but they took the operators of this enterprise into their own business. The downpayment for the purchase of the Fremont Hotel was raised by selling 125,000 shares of Parvin/Dohrmann stock to the following:

| | |
|---|---|
| Edward Levinson (40,000 shares) | $560,000 |
| Richard Levinson (5,000 shares) | 70,000 |
| Lester Siegelbaum (5,000 shares) | 70,000 |
| Edward Torres (50,000 shares) | 700,000 |
| Bryant Burton (25,000 shares) | 350,000 |
| Total | 1,750,000 |

In addition, Parvin/Dohrmann entered into the contract to pay Edward Levinson and Edward Torres each $100,000 a year as comanagers of the Fremont

Hotel. Another owner, Bryant Burton, was to be retained as legal counsel for $25,000 per year. It was stipulated that Levinson and Torres would be cogeneral managers of the hotel but would have nothing to do with the casino operations.

The question immediately arises as to why Levinson and his associates would be retained in the operation of the hotel but not the casino, which had been operating profitably under their management. I think we may draw a conclusion from the fact that the IRS had already informed Levinson and Torres of the possibility of criminal action against them for gross understatement of the casino revenues, that is, so-called skimming operations for mobster activities. Obviously, if they were convicted of this crime, they would no longer be eligible for the casino licenses which they held, and their substantial investment in the Fremont would go down the drain.

The key point is that Parvin and his associates had full knowledge of the IRS's proposed action. In the Kaufmann suit, Parvin and his associates admitted that they had such knowledge. If Parvin and Silbert knew about the possibility of criminal action against their new associates, how could Justice Douglas fail to know? As it turned out, in May 1967, Levinson and Torres were indeed indicted for understating revenues to the extent of several million dollars. Levinson did not contest the charge and was fined $5,000. The case against Torres was dropped, because Levinson at the same time dropped a suit against the Department of Justice for eavesdropping on his conversations with Bobby Baker in the Fremont Hotel.

As a result of this conviction, it was no longer appropriate for Levinson to continue on the Parvin-Dohrmann payroll. His contract was terminated with separation pay of $250,000, making a total of $375,000 paid to him under the contract. Torres continued as general manager.

It also became appropriate for Levinson to sell his 40,000 shares of stock in Parvin/Dohrmann. In the Kaufmann suit, it was charged that Levinson disposed of this stock "to friends and acquaintances," at $14 a share, the price he paid for it 2 years earlier, although the market price at time of sale was more than double. Kaufmann alleged that this sale was arranged by Harvey Silbert. Torres is presently a stockholder of record for 63,000 shares.

Thus, we see that the Parvin/Dohrmann Co. willingly and with full knowledge, allowed two notorious gangsters to be put on their payroll and even allowed them to participate in the company itself.

VI

The sixth link of the Parvin Foundation to gambling interests consists in the widely held private gambling interests of Parvin, Silbert, and the two Goldmans. I have already pointed out that the original assets of the Parvin Foundation came from Albert Parvin's interest in the Hotel Flamingo. But Parvin and his friends had many other interests in the casinos in Las Vegas, not connected with Parvin/Dohrmann. At various times, the private interests of the Parvin group included the Mint Casino, the Four Queens Casino, the Aladdin Hotel Casino, the Sands Hotel Casino, and the Riviera Hotel Casino.

In the Four Queens Casino, Harry Goldman held a 4.5 percent interest; Parvin, a 3.5 percent interest; and N. J. Goldman, a 1 percent interest. In the Aladdin Hotel Casino, Parvin held 2 percent and Goldman held 5 percent. In the Sands, Parvin held a 2 percent interest, later increased to 5 percent; Harry Goldman had a 2 percent interest; Maxwell Rubin, mentioned earlier as a director of Parvin/Dohrmann, had a 2 percent interest; and Bryant Burton, legal counsel to the Fremont Hotel, had a 1 percent interest. Again, the Sands is one of the most notorious of the Las Vegas casinos because of its association with Frank Sinatra. At this time, Sinatra had a 9-percent interest in the Sands—before his gaming license was revoked by the Nevada Gaming Commission in 1963 on the grounds that he "catered" to the underworld. In the Mint Casino, Harry Goldman held 114 shares.

The most interesting case, however, is that of the Riviera Hotel Casino, which figures in the recent Parvin/Dohrmann stock boom. At various times, the Parvin group had held up to 17.2 percent of the Riviera Hotel Corp: In June 1968, controlling stock of the Riviera Hotel Corp. was purchased by Edward Torres, Harry Goldman and Harvey Silbert, Jerome Mack and E. Parry Thomas Goldman, Silbert, and Thomas were directors and Torres was an employee of Parvin/Dohrmann Co., but the Riviera stock was purchased by them as individuals. Shortly after the sale of Parvin/Dohrmann to the Coleman interests, the Riviera owners proposed selling 60 percent interest in the Riviera to Parvin/Dohrmann. This proposed sale, which has not yet been consummated, and which is under study by the SEC and the Nevada Gaming Commission, has often been cited as one of the reasons which created the interest in the zooming Parvin/Dohrmann stock.

So we see that not only were there material relationships between the Parvin Foundation and the gambling interests associated with Parvin/Dohrmann, but that the principal officers of the Parvin Foundation—other than Mr. Justice Douglas—were well known as proprietors in their own right of many gambling enterprises. Clearly, any separation of the Parvin Foundation from gambling activities is purely a legal fiction.

Mr. President, there are a number of exhibits which shed light on the transactions I have discussed, and I ask unanimous consent that the following be printed in the RECORD at the conclusion of my remarks.

First, the stipulation of settlement in the Court of Chancery of the State of Delaware in Kaufmann against Parvin, et al.;

Second. The public release of the Parvin/Dohrmann Co. of May 8, 1969, which tells many of the operations involved in the transfer of ownership; and

Third, two recent articles on the Parvin/Dohrmann Co., one from Newsweek magazine of June 2 and another from Business Week magazine of June 14, 1969.

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

(See exhibits A, B, and C.)

EXHIBIT A

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

ALBERT KAUFMANN, PLAINTIFF, AGAINST ALBERT R. PARVIN, HARRY A. GOLDMAN, MORRIS J. GOLDMAN, L. M. HALPER, MAXWELL L. RUBIN, HARVEY L. SILBERT, E. PARRY THOMAS, PATRICIA JOY PARVIN, SARA FREEDMAN, EDWARD LEVINSON, EDWARD TORRES, BRYANT R. BURTON, FREMONT HOTEL, INC., AND PARVIN/DOHRMANN COMPANY, DEFENDANTS

Civil Action
No. 2468

STIPULATION OF SETTLEMENT

Whereas, the above-entitled action is brought by the plaintiff as a stockholder of Parvin/Dohrmann Company (hereinafter referred to as the Company) on behalf of the Company and the public stockholders thereof against the individual defendants above-named; and

Whereas, the complaint in the above-entitled action, as supplemented and amended, assets claims on behalf of the Company and the public stockholders thereof against the individual defendants above-mentioned, and

Whereas, defendants Albert B. Parvin, Harry A. Goldman, Norris J. Goldman, L. M. Halper, Maxwell L. Rubin, Harvey L. Silbert, E. Parry Thomas, Edward Levinson, Edward Torres and Bryant E. Burton have appeared and answered except for L. M. Halper who is now deceased and who did not answer (the other named defendants not having been served), and have denied all said claims and have asked for judgment dismissing the complaint as supplemented and amended; and

Whereas, the plaintiff's attorneys, in and by discovery proceedings had under the Rules of this Court and pursuant to stipulation by the respective attorneys, have examined the documents, records and books of accounts deemed to be relevant and material to the issues of this action, have taken the depositions of defendants Albert B. Parvin, Harry A. Goldman, Norris J. Goldman, Harvey L. Silbert, Edward Torres and Bryant R. Burton; and

Whereas, the parties hereto are in agreement that it is desirable to settle and terminate this action and avoid the expense and consumption of time which would be caused by further burdensome and protracted litigation, and that the best interests of the Company and all of its stockholders would be served by effecting a compromise and settlement of this action and disposing of it finally and on the merits on the basis set forth herein;

Now, therefore, and subject to and conditioned upon the approval thereof by this Court, pursuant to Rule 23.1 of the Rules of this Court, the undersigned parties hereby stipulate and agree to this action be compromised and settled upon the following terms:

1. The promissory note from the Company to Sara Freedman and the Patricia Joy Parvin Trust in the sum of Five Hundred Thousand ($500,000) Dollars, due in ten (10) years from the date of its issue and bearing nine (9%) percent a year interest, the maturity of which the payees have the right to accelerate at the end of five years from the date of its making, shall be modified by giving the company the right to prepay such note at the end of the aforesaid five year period, provided that the company can secure the funds for the pre-payment of said note at an interest rate of less than seven and one-half (7½%) percent per annum. If the Company cannot secure said funds for less than seven and one-half (7½%) percent, then the loan may remain in existence in accordance with its terms for the full

period of its term, but the interest rate thereon for such remaining term shall be reduced to seven and one-half (7½%) percent. The defendants undertake to secure the agreement of the payees of the note to the foregoing modification.

2. All business dealings between the Company and the Four Queens Hotel and Casino or the Riviera Hotel and Casino, in which casinos defendants Parvin, Harry A. Goldman, Norris J. Goldman and/or Harvey L. Silbert have a financial interest, so long as any one of the aforementioned individuals has a personal interest in either one of the aforementioned casinos and such individual is at the same time an officer, director, employee, and/or stockholder owning more than 1% of the outstanding stock of the company, shall be approved by a majority of three members of the Board of Directors of the Company having no financial interest in any of the aforementioned casinos or in the Fremont Casino Corp. Such persons shall be designated as the "Independent Committee" of the Board of Directors of the Company, and initially, shall consist of E. Parry Thomas, Maxwell L. Rubin and Jules Berman. Suitable methods of exercising control over such business dealings, by said Independent Committee, will be formulated with the approval of the attorneys for the plaintiff.

3. The lease presently in existence between Fremont Hotel, Inc. and Fremont Casino Corp. shall be reformed so that it will contain a provision that it is cancelable at the option of Fremont Hotel, Inc. on only (60) days' written notice to Fremont Casino Corp. but then only on condition that Fremont Hotel, Inc. or its designee purchase all of the outstanding capital stock of Fremont Casino Corp. pursuant to the Stock Option Agreement of June 27, 1966 between Fremont Hotel, Inc. and the stockholders of the Fremont Casino Corp., and that the lease be further reformed to provide that there will be an annual review of the rental to be paid by Fremont Casino Corp. to Fremont Hotel, Inc. by the independent certified public accountants for Fremont Hotel, Inc., with the rent to be changed at the end of each year, if necessary, so as to eliminate all profit to Fremont Casino Corp. from the operations of the Fremont Casino. The form of modification of the lease shall be submitted to the attorneys for the plaintiff for their approval.

4. The aforementioned Stock Option Agreement between Fremont Hotel, Inc. and the stockholders of Freemont Casino Corp. shall be modified to give Fremont Hotel, Inc. the right to exercise the option to purchase the stock of Fremont Casino Corp. at any time during the term of the aforementioned lease. The form of modification of the option agreement shall be submitted to the attorneys for the plaintiff for their approval. The determination as to whether the option should be exercised shall be made by a majority of the members of the Independent Committee of the Board of Directors mentioned above.

5. Fremont Hotel, Inc. will at an appropriate time make an application to the Gaming Commission of Nevada for a gaming license to operate the casino in the Fremont Hotel presently being operated by Fremont Casino Corp. The time at which this application is to be made shall be determined by a majority of the members of the Independent Committee of the Board of Directors mentioned above, except that a majority of the Board of Fremont Hotel, Inc. or a majority of the Company's Board shall have the right to make such an application at any time prior to such determination by the Independent Committee of the Board if it so desires.

6. The Company, in entering into this Stipulation of Settlement, intends thereby, as sole stockholder of Fremont Holding Corporation, which is sole stockholder of Fremont Hotel, Inc., to compromise and settle and to dispose of on the merits any claim in this action which may technically be the claim of Fremont Hotel, Inc. and to bind Fremont Hotel, Inc. to the terms of this Stipulation.

7. This stipulation of compromise and settlement, together with a motion for its approval, will be submitted promptly after its execution to the Court of Chancery of the State of Delaware and pending the determination by said Court of the motion for approval, all proceedings in this action shall be held in abeyance.

8. If this stipulation of compromise and settlement and the motion made thereon are approved by the Court, judgment shall be entered in this action in due and proper form:

(a) approving this stipulation of compromise and settlement and adjudging the terms hereof to be fair, adequate and proper and directing consummation thereof;

(b) dismissing as against all defendants who shall have entered an appearance prior to such dismissal, all claims alleged in the complaint herein, as supplemented and amended, on their merits with prejudice;

(c) barring prosecution of all the claims involved in this action hereafter in this or any other jurisdiction;

(d) reserving jurisdiction over the consummation of the settlement.

9. If the compromise and settlement herein proposed is not approved by this Court, this stipulation and all proceedings hereunder shall be considered as canceled and void and shall be of no force or effect, and all parties to this action and stipulation shall stand in the same position without prejudice as if the stipulation and application had not been made and submitted to the Court for its consideration and approval.

10. Neither this stipulation nor the motion made pursuant to it nor any proceedings pursuant to either shall be construed or deemed to be evidence or an admission on the part of any defendant of any liability or wrongdoing whatsoever nor shall said stipulation or motion be offered in evidence as such.

11. Plaintiff's attorneys, Cohen, Morris and Rosenthal, of Wilmington, Delaware, and Wolf Popper, Ross Wolf & Jones, of New York, New York, have rendered valuable services to the Company and its stockholders and are entitled to compensation therefor. Plaintiff's attorneys will apply to the Court to fix and award counsel fees as compensation for the services they have rendered in connection with this litigation and for reasonable out-of-pocket disbursements, and the Company has agreed to pay such amounts as the Court shall approve. Plaintiff's attorneys agree that they will limit their fee request to Twenty-eight Thousand ($28,000) Dollars, exclusive of out-of-pocket expenses, and the Company agrees that it will not oppose a fee in this amount and reimbursement of such expenses.

Dated: October 16, 1968.

Of Counsel:

Wolf, Popper, Ross, Wolf & Jones, By: Donald N. Ruby, New York, N.Y.

Cohen, Morris and Rosenthal, By: Irving Morris, Attorneys for Plaintiff, Wilmington, Del., Potter, Anderson & Corroon, By: Richard Corroon, Attorneys for Defendant Parvin, Dohrmann Company, Wilmington, Del., Morris, Nichols, Arsht & Tunne, By: Richard L. Sutton, Attorneys for Appearing Defendants other than Parvin/Dohrmann Company, Wilmington, Del.

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EXHIBIT B

RELEASE OF PARVIN/DOHRMANN CO., MAY 8, 1969

The Parvin/Dohrmann Company announced that it was informed today by the Securities and Exchange Commission that the temporary suspension order respecting its securities will not be extended beyond the opening of trading on May 12, 1969. The American Stock Exchange informed the Company that trading in its securities will resume on May 12, 1969. On April 17, 1969, the American Stock Exchange halted trading in securities of Parvin/Dohrmann Company. On May 5, 1969, the Securities and Exchange Commission ordered the temporary suspension of exchange and over-the-counter trading in its securities for the ten-day period May 6 to 15, inclusive. On May 8, the Company furnished the following information to the Commission and the Exchange respecting the change of control of the Company and certain subsequent events.

A. ORIGINAL PURCHASE BY COLEMAN GROUP FROM PARVIN-GOLDMAN INTERESTS

In early October 1968, Delbert W. Coleman commenced discussions with Messrs. Parvin and Goldman leading to the agreement (signed by him on October 25, 1968) to purchase 300,000 shares of Parvin/Dohrmann at $35 per share from Mr. Parvin (187,502 shares), Mr. Goldman (108,000 shares) and the Joy Parvin Trust (4,498 shares).

During the period of negotiation, based on personal financial advice that it was not in his best interests to undertake by himself the purchase of all these shares, Mr. Coleman formed a group of Associates (hereafter defined) to join with him as purchaser of the 300,000 shares. On October 28, 1968, the sellers deposited certificates for the 300,000 shares in escrow with First National City Bank, New York, and Mr. Coleman and his Associates deposited cash and/or letters of credit (supported by certificates of deposit) totalling $10,500,000. The sale and purchase of the 300,000 shares was not consummated until January 13, 1969, following satisfaction of the various closing conditions in the Agreement, including required approvals of the Nevada licensing authorities.

Mr. Coleman's Associates consisted ultimately of 21 persons or entities to whom Mr. Coleman assigned rights under the Agreement for the purchase of a total of 143,200 shares out of the total 300,000 shares of Parvin/Dohrmann. The members of the group and their individual allotments were substantially fixed by Mr. Coleman approximately in the last two weeks of October, 1968, and all of them paid for the shares purchased by them except Mr. Scott, the President, who was assigned his allotment of 4,000 shares in December 1968. Mr. Scott remains indebted in the amount of $140,000 to Mr. Coleman for those shares. The members of this group, their backgrounds and their allotments of shares were previously disclosed in a release of the Company on March 27, 1969, and are set forth in Exhibit 1 hereto.

B. OTHER TRANSACTIONS IN COMPANY STOCK BY MR. COLEMAN AND OTHERS

During the period December 13, 1968, to March 28, 1969, Mr. Coleman purchased 51,000 additional shares of Common Stock of Parvin/Dohrmann stock for himself, his children, and his family corporation at prices ranging between $71 and $107 per share. Substantially all of these purchases were effected on the Amex. A complete schedule of these transactions is attached as Exhibit 2. Neither Mr. Coleman nor this family interests has sold any shares of Parvin/Dohrmann stock, except as noted below. Of this total of 51,000 shares, 10,100 shares were purchased through Jesup & Lamont on March 17 (2,100 shares) and March 18 (8,000 shares) at prices ranging between $94 and $104 per share. The high and the low prices on the American Stock Exchange were $102 and $93 on March 17, and $104¼ and $99⅜ on March 18, 1969. The purchases were executed pursuant to Mr. Coleman's authority to buy a maximum of 10,000 shares on March 17 at such prices as the broker in his discretion should determine. Since only 2,100 shares were purchased on March 17, Mr. Coleman gave an order for up to 8,000 shares on the same basis for March 18. The shares were purchased partly in light of the publication

on March 16 of an article in a financial publication containing adverse comments respecting the Company. Subsequent to these purchases, Mr. Coleman learned that on or about March 17, 1969, Jesup & Lamont had sent a letter to certain of its clients commenting favorably on the Company's stock.

In December 1968, Mr. Coleman's mother purchased and sold (through orders placed by Mr. Coleman) a total of 3,700 shares of Common Stock and incurred a net loss of approximately $2,500. A schedule of her transactions is attached hereto as Exhibit 3. The buy orders were executed over the Amex and the sell order was executed by a non-member of the Exchange. The 3,700 shares were sold on a single day and 2,500 of these shares were purchased the same day.

On March 12, 1969, Mr. Coleman borrowed $2,500,000 from Toronto Dominion Bank, Toronto, Canada, to enable him to pay his U.S. income taxes. The loan is secured by a pledge of 100,000 Parvin/Dohrmann shares held by him and his family interests.

The Company is informed that certain of the Associates or persons affiliated with them purchased stock of the Company both prior to and after the October 25, 1968 agreement.

C. CONTACTS WITH INVESTMENT FUNDS AND BROKERS

In February 1969, representatives from Jesup & Lamont met the principal officers of the Company in Las Vegas. As a result of this meeting arrangements were made by Jesup & Lamont for representatives of some of its customers (including some representatives of investment funds) to visit the Company's Las Vegas hotels and casinos in April 1969. Hotel and meal expenses totalling about $3,300 were paid by the Company.

Representatives of Mesirow & Co., another brokerage firm, at their own expense, visited with members of the Company's management in Las Vegas in February 1969.

D. STARDUST ACQUISITION

Mr. Coleman was aware through newspaper articles that the Hughes organization bid to acquire the Stardust had been frustrated by the Justice Department. With this knowledge, on January 23, 1969, Mr. Coleman called M. B. Dalitz, President of the Stardust, who owned 95.5% of Karat, Inc., the owner and operator of the Stardust, and told him that Parvin/Dohrmann was interested in acquiring the stock of the Stardust. The owners of the remaining 4.5% of the stock of Karat, Inc. were Milton Jaffe, Allen Sachs, and Alvin Benedict.

Mr. Dalitz and Mr. Coleman arranged to meet on January 24, 1969, in Los Angeles to negotiate. The negotiations were completed on January 24 and a Letter of Intent reflecting the proposed acquisition of Parvin/Dohrmann was executed. The Letter called for a purchase price of $15 million for the stock of Karat, Inc.

Immediately after execution of the Letter of Intent, William C. Scott, President of Parvin/Dohrmann, who attended the meeting went to the Company's financial public relations representatives and they prepared a release concerning the Stardust acquisition. This release was published on Monday, January 27, 1969, before trading began on the Annex.

This release failed to mention anything concerning the mortgage obligations of Karat. A clarifying release set forth Karat's $30,000,000 mortgage debt.

Certain of the Coleman purchases were made on January 22 and 27, 1969, as set forth in Exhibit 2.

E. RIVIERA NEGOTIATIONS

In June 1968, controlling stock of the Riviera Hotel corporation was purchased by Edward Torres, H. A. Goldman, Harvey L. Silbert, Jerome Mack and E. Parry Thomas. Some of these persons had previously been smaller stockholders of the Riviera. Messrs. Goldman, Silbert and Thomas were directors and Mr. Torres was an employee of Parvin/Dohrmann Company at the time of this transaction, and all of them are stockholders of the Company. Mr. Torres presently manages the Fremont and Aladdin Hotels and Casinos for the Company under an employment agreement expiring in 1971, and owns of record approximately 63,000 shares of the Company.

Between October 25, 1968 (the date of Mr. Coleman's agreement to purchase the 300,000 shares) and early April 1969, the possibility of the Company's acquiring the Riviera Hotel and Casino in Las Vegas was often mentioned, but the Company rejected any serious negotiations up until early April.

The Company's release on March 27, 1969, stated that it had no specific acquisitions under consideration and was not then engaged in any negotiations.

In the week of April 7, Mr. Silbert prepared and delivered to Mr. Scott a contract for the sale of the 60% interest in the Riviera represented by him and his associates, Messrs. Goldman, Mack and Thomas on the terms that he and his people were willing to accept. There have been no further negotiations between the parties, but the Company hopes to resume negotiations as soon as possible.

F. REPORTS FILED WITH SEC

Two days after Mr. Coleman closed the purchase of the 300,000 shares of the Company on January 13, 1969, there was mailed to the Commission a Schedule 13D (reflecting the change in control of the Company) which did not include all the required information. In particular, the Schedule 13D did not include information regarding Mr. Coleman's Associates. Mr. Coleman and the Company have represented to the Commission that all the information required by Schedule 13D will be filed promptly. Questions have been raised as to whether initial filings under Section 13(d) and under Section 16(a) of the Securities Exchange Act of 1934 should have been prompted by the signing rather than the closing of the October 25, 1968 agreement to purchase the 300,000 shares. In the opinion of counsel, the filings were required only after the closing.

The Company stated that it did not file the certified financial statements of Karat, Inc. (the recently acquired subsidiary which owns and operates the Stardust Hotel) for the three years ended September 30, 1968, as called for by the Commission's rules, because certified statements were not available for the two years ended September 30, 1967, even though the purchase contract provides that such financials would be made available. Certified financial statements have been filed for the year ended September 30, 1968. Karat, Inc. was privately held prior to its acquisition by the Company.

In February, 1969, the Company filed a Form 8-K for the preceding January which reflected the change in the majority of directors of the Company. At the request of the Commission, an amendment to such Form 8-K was prepared and, on or about April 17, 1969, mailed to the Commission and the Amex. The amendment includes additional information regarding the change in control, copies of the purchase agreement covering the 300,000 shares referred to above, copies of the form questionnaire furnished by the new directors of the Company, and certain other items.

Mr. Coleman stated that in reporting his purchase of the Company's stock to the Commission, one purchase was overstated by 200 shares and another purchase was understated by the same amount. Amendments to the appropriate filings with the Commission will be filed shortly.

G. PAST EARNINGS REPORTS

In September or November of 1968 the prior management of the Company issued releases containing estimates of substantially increased earnings for the year 1968. On January 10, 1969, William C. Scott became President. Based on his prior investigations, he had doubts at that time as to the adequacy of the Company's reserve for bad debts and as to certain other matters but made no public disclosure of these doubts by reason of the much greater need in his mind to devote all his time and attention to pressing management and operating problems of the Company instead of immediately making the examination of accounts receivable and appraisal of real estate necessary to establish the reserves and write-offs that might be expected to be made in respect to the year 1968. The Company's audited figures were not available until early April 1969 when they were promptly released to the public. The audited figures confirmed his doubts in that $3,779,582 of bad receivables were written off against 1968 income and the Company incurred extraordinary charges of $2,504,520 as a result of the write-off of assets related to the Company's Los Angeles based operations. Consequently, the Company incurred a net loss for 1968 of $3,090,799.

FUTURE PLANS

The Company presently does not plan to dispose of any substantial portion of its assets or to change the nature of its business, except that the Company intends to dispose of its non-operating real estate properties which are recorded on its books in the total amount of $3,056,534. Except for the Riviera matter referred to above, the Company is not conducting any merger or acquisition negotiations.

EXHIBIT 1

| Name and address | Occupation | Number of shares |
|---|---|---|
| Allen & Company, Inc., 30 Broad St., New York, N.Y. | Member of New York Stock Exchange | 6,000 |
| William C. Bartholomay, 175 West Jackson Blvd., Chicago, Ill. | President, Olson & Bartholomay, Inc. (insurance agency). | 2,000 |
| Barbara B. Bernstein, 147 Dempster St., Evanston, Ill. | Wife of Russell Bernstein, partner, Mesirow & Co., Member of New York Stock Exchange. | 3,000 |
| Sol W. Cantor, 200 Central Park South, New York, N.Y. | Chairman, Interstate Department Stores, Inc. | 4,000 |
| E. K. Cork, Suite 1700, 44 King St. West, Toronto 1, Ontario, Canada. | Vice president and treasurer, Noranda Mines Ltd. | 500 |
| F. O. F. Proprietary Funds, Ltd.,[1] 19 Rue de Lausanne, Geneva, Switzerland. | Investments | 81,000 |
| Kleiner, Bell & Co., incorporated employees pension plan, 9756 Wilshire Blvd., Beverly Hills, Calif. | Pension plan—Member of New York Stock Exchange. | 2,000 |
| Kleiner, Bell & Co., incorporated profit-sharing trust, 9756 Wilshire Blvd., Beverly Hills, Calif. | Profit-sharing trust—Member of New York Stock Exchange. | 3,000 |
| Marshall Korshak, 5555 South Everett St., Chicago, Ill. | Lawyer | 1,000 |
| Sidney R. Korshak, 69 West Washington St., Chicago, Ill. | do | 10,000 |
| John J. Louis, Jr., Room 862, 135 South La Salle St., Chicago, Ill. | Chairman, Combined Communication Corp. | 2,000 |

See footnote at end of table.

EXHIBIT 1—Continued

| Name and address | Occupation | Number of shares |
|---|---|---|
| L. G. Lumbers, 37 Old Forest Hill Rd., Toronto 7, Ontario, Canada. | Vice president, Noranda Mines Ltd. | 1,000 |
| Lotte Mirisch, Beverly Hills, Calif. | Wife of Hal Mirisch, motion picture producer. | 1,000 |
| Donald Peters, 21 Birchwood Rd., Hinsdale, Ill. | Labor consultant | 200 |
| Alfred Powis, Suite 1700, 44 King St. West, Toronto 1, Ontario, Canada. | President, Noranda Mines Ltd. | 1,000 |
| RNS Corp., 1500 North Dayton St., Chicago, Ill. | Family corporation of Louis J. Nicastro, president, Commonwealth United Corp. | 9,000 |
| Jill St. John, 1326 Beverly Estate Dr., Beverly Hills, Calif. | Actress | 1,000 |
| William C. Scott, 120 North Robertson Blvd., Los Angeles, Calif. | President, Parvin/Dohrmann Co. | 4,000 |
| Stephen-Leedom Corp., 295 Fifth Ave., New York, N.Y. | Carpet manufacturer | 10,000 |
| Jane D. Stevenson, 366 Glengrove Ave. West, Toronto 5, Ontario, Canada. | Wife of William Stevenson, executive, Noranda Mines Ltd. | 500 |
| Rubina M. White, 53 Thorncliffe Park Dr., Apartment 2008, Toronto 17, Ontario, Canada. | Wife of Herbert White, vice president, the Toronto Dominion Bank. | 1,000 |

[1] These 81,000 shares were privately placed by F.O.F. Proprietary Funds, Ltd., in April 1969, on the demand of the Nevada Gaming Control Board.

EXHIBIT 2.—PURCHASES BY DELBERT W. COLEMAN & ASSOCIATES

The Coleman purchases fall into four categories: Coleman, personally; Coleman, as trustee of a trust for the benefit of his daughter, Susan; Coleman, as trustee of a trust for the benefit of his son, Neil; and Enness Realty Corporation, a corporation owned by Coleman and his children.

| Trade date | Number of shares | Price per share | Broker |
|---|---|---|---|
| A. Personal account of Delbert W. Coleman: | | | |
| Oct. 25, 1968 | 60,362 | 35 | Private purchase from Parvin et al. |
| Jan. 22, 1969 | [1] 800 | 71 1/2 | Kleiner, Bell & Co., Inc. |
| Mar. 4, 1969 | [2] 4,000 | 85 | Private purchase from Bryant Burton. |
| B. Susan Coleman trust: | | | |
| Oct. 25, 1968 | 20,000 | 35 | Private purchase from Parvin et al. |
| C. Neil Coleman trust: | | | |
| Oct. 25, 1968 | 20,000 | 35 | Do. |
| D. Enness Realty Corp: | | | |
| Oct. 25, 1968 | 56,438 | 35 | Do. |
| Dec. 13, 1968 [3] | 500 | 84 1/4 | Mesirow & Co. |
| Do [3] | 500 | 84 1/2 | Do. |
| Dec. 16, 1968 [3] | 700 | 85 | Do. |
| Dec. 13, 1968 [3] | 800 | 85 1/2 | Do. |
| Dec. 24, 1968 | 100 | 72 | Thompson & McKinnon. [4] |
| Do | 100 | 73 3/4 | Do. |
| Do | 800 | 74 | Do. |
| Do | 300 | 74 1/4 | Do. |
| Dec. 27, 1968 | 400 | 81 1/2 | Mesirow & Co. |
| Do | 100 | 81 | Do. |
| Dec. 31, 1968 | 500 | 82 | Do. |
| Do | 1,500 | 82 1/2 | Do. |
| Do | 500 | 81 1/2 | Do. |
| Dec. 17, 1968 | 100 | 79 3/4 | Arthur Lipper Corp. [5] |
| Do | 900 | 80 | Do. |
| Do | 100 | 80 1/4 | Do. |
| Do | 400 | 81 | Do. |
| Do | 100 | 81 | Do. |
| Do | 100 | 81 1/2 | Do. |
| Do | 100 | 81 1/4 | Do. |
| Do | 100 | 81 1/4 | Do. |
| Do | 100 | 81 1/2 | Do. |
| Do | 100 | 82 | Do. |
| Do | 200 | 82 1/2 | Do. |
| Do | 200 | 83 | Do. |
| Do | 300 | 84 | Do. |
| Do | 2,200 | 85 | Do. |
| Jan. 7, 1969 | 200 | 68 | Mesirow & Co. |
| Do | 800 | 68 1/2 | Do. |
| Jan. 10, 1969 | 200 | 68 | Do. |
| Do | 300 | 68 1/2 | Do. |
| Jan. 17, 1969 | 100 | 69 | Do. |
| Do | 1,900 | 70 | Do. |
| Jan. 27, 1969 | 200 | 85 7/8 | Mesirow & Co. |
| Do | 500 | 86 | Do. |
| Do | 300 | 86 1/2 | Do. |
| Do | 1,000 | 89 | Do. |
| Jan. 22, 1969 | 100 | 71 3/4 | Kleiner, Bell & Co., Inc. |
| Do | 2,400 | 73 | Do. |
| Do | 100 | 73 1/2 | Do. |
| Do | 400 | 74 | Do. |
| Do | 2,000 | 74 | Do. |
| D. Enness Realty Corp.—Con. | | | |
| Jan. 28, 1969 | 200 | 88 | Mesirow & Col |
| Jan. 27, 1969 | 2,000 | 91 | Kleiner, Bell & Co., Inc. |
| Do | 100 | 91 1/8 | Do. |
| Do | 500 | 91 1/4 | Do. |
| Do | 400 | 91 3/8 | Do. |
| Jan. 29, 1969 | 100 | 87 3/8 | Mesirow & Co. |
| Do [3] | 400 | 87 5/8 | Do. |
| Jan. 30, 1969 | 200 | 88 1/2 | Do. |
| Jan. 29, 1969 [3] | 700 | 90 | Do. |
| Feb. 6, 1969 | 500 | 98 1/2 | Do. |
| Feb. 7, 1969 | 400 | 95 | Thompson & McKinnon, Inc. [4] |
| Do | 500 | 95 | Do. |
| Do | 100 | 94 1/2 | Do. |
| Feb. 11, 1969 | 200 | 97 | Mesirow & Co. |
| Feb. 7, 1969 [3] | 100 | 95 1/2 | Thompson & McKinnon, Inc. [4] |
| Do [3] | 400 | 96 | Do. |
| Feb. 12, 1969 | 500 | 93 | Mesirow & Co. |
| Feb. 13, 1969 | 800 | 92 1/2 | Do. |
| Do | 200 | 92 | Do. |
| Feb. 14, 1969 | 500 | 89 1/2 | Do. |
| Mar. 14, 1969 | 500 | 98 1/2 | Do. |
| Mar. 17, 1969 | 1,000 | 94 1/2 | Jesup & Lamont. |
| Do | 1,000 | 94 1/2 | Do. |
| Do | 100 | 94 | Do. |
| Mar. 18, 1969 | 300 | 100 1/2 | Do. |
| Do | 2,700 | 100 | Do. |
| Mar. 17, 1969 | 500 | 94 | Mesirow & Co. |
| Do | 400 | 93 1/4 | Do. |
| Do | 100 | 93 3/8 | Do. |
| Mar. 18, 1969 | 300 | 104 | Jesup & Lamont. |
| Do | 100 | 102 | Do. |
| Do | 100 | 102 1/4 | Do. |
| Do | 100 | 102 1/2 | Do. |
| Do | 100 | 102 3/4 | Do. |
| Do | 200 | 103 | Do. |
| Mar. 18, 1969 | 100 | 103 1/4 | Jesup & Lamont. |
| Do | 500 | 103 1/2 | Do. |
| Do | 100 | 103 5/8 | Do. |
| Do | 800 | 103 3/4 | Do. |
| Do | 200 | 103 7/8 | Do. |
| Do | 200 | 103 | Do. |
| Do | 100 | 103 | Do. |
| Do | 300 | 102 3/4 | Do. |
| Mar. 18, 1969 | 200 | 102 | Jesup & Lamont. |
| Do | 1,100 | 102 | Do. |
| Do | 100 | 101 1/2 | Do. |
| Do | 400 | 101 | Do. |
| Mar. 28, 1969 | 3,000 | 107 | Do. |
| Total | 102,638 | | |

[1] After subtracting 1,200 shares purchased by Coleman as agent for Harry and Stuart Korshak (500 shares each) and Louis H. and Grace Nesenkop (200 shares) paid for by them.
[2] After deducting 1,000 shares purchased from Burton by Coleman as agent for Sidney Korshak
[3] Indicates as of trade dates per broker's confirmation.
[4] Thompson & McKinnon is the firm used by Brand, Grumet & Seigel, Inc., of New York City with whom the purchase order was placed.
[5] In addition, Mr. Coleman placed an order with Arthur Lipper Corp. for an additional 5,000 shares which were immediately transferred to the account of Joseph Sheehan, an employee of Allen & Co., Inc. Mr. Sheehan paid Arthur Lipper Corp. directly for these 5,000 shares.

EXHIBIT 3.—PURCHASES AND SALES BY MR. COLEMAN'S MOTHER

| Trade date | Number of shares | Price per share [1] | Broker |
|---|---|---|---|
| Purchases: | | | |
| Dec. 13, 1968 | 1,100 | 85 | Mesirow & Co. |
| Do | 100 | 84 | Do. |
| Dec. 20, 1968 | 1,000 | 85 | Do. |
| Do | 500 | 84 1/2 | Do. |
| Do | 800 | 84 | Do. |
| Do | 200 | 84 3/4 | Do. |
| Total | 3,700 | | |
| Sale: Dec. 20, 1968 | 3,700 | 85 | Allen & Co. |

[1] Prices do not reflect brokers' commissions.

EXHIBIT C

FOUNDATIONS: PARVIN WHO?

Parvin/Dohrmann. It sounds like a neighborhood real-estate partnership, or maybe the brand name of an electric motor car that became extinct in 1904. It is, rather, the name of Wall Street's wildest, hottest common stock. Parvin/Dohrmann has gone from $22 to a peak of $141 in less than a year. It is under investigation by the Securities and Exchange Commission and the Commissioner of Baseball. And it has been owned—either directly or through organizations they control—by people as disparate as Supreme Court Justice William O. Douglas, Oakland Athletics owner Charles Finley, actress Jill St. John, mutual-fund titan Bernard Cornfeld and the city treasurer of Chicago.

Parvin/Dohrmann is in a line of business that is neither quaint nor commonplace. Besides hotel supplies and Los Angeles real estate, the company owns and operates three casino-hotels in Las Vegas, the Fremont, Aladdin and Stardust, and is trying to buy a fourth, the Riviera. Justice Douglas' connection with the company, to be sure, is entirely indirect. Since 1960, he has been president of the Albert Parvin Foundation of Los Angeles, receiving over the last seven years about $12,000 annually as the only paid offi-

cer in the charitable fund. The foundation, in turn, recently has had its principal assets invested in 31,291 shares of Parvin-Dohrmann, a company that until early this year was headed by Los Angeles businessman Albert Parvin. Parvin's links to gambling enterprises go back to the 1950s, when he owned the Flamingo casino-hotel. He is also founder and chief angel of the foundation bearing his name.

With Washington still in an uproar over the resignation of Supreme Court Justice Abe Fortas for his acceptance of $20,000 a year from financier Louis Wolfson, Douglas' connection with gambling money—however remote—was cause enough for talk. This was especially true because Parvin had been officially named as a co-conspirator with Wolfson—though not as a defendant—in a trial last year that resulted in Wolfson's conviction for securities fraud. The Fortas case, of course, also involved a foundation—Wolfson's. By last week, other delicate questions had emerged.

Justice Douglas, when questioned by Los Angeles Times reporter Ron Ostrow in 1966, gave every impression of denying that the Parvin Foundation's income derived from gambling activities. He said he wasn't a member of the foundation's finance committee, but he thought that a first mortgage on the Flamingo casino-hotel, which had been donated by Albert Parvin, "was owned for a brief period but disposed of." At the same time, Pulitzer Prize-winning newspaperman Harry Ashmore, who is a director of the Parvin Foundation, insisted that various trust arrangements isolated the foundation from the "operation of any . . . enterprise in Las Vegas." Yet Internal Revenue documents examined by Newsweek's John J. Lindsay last week show that the foundation's main source of income at the time both men were speaking was the Flamingo mortgage, which was generating $28,000 in revenues a month to the small foundation and which was still in the foundation's investment portfolio at the time it filed its last report covering the year 1967. The foundation also owned 5,000 shares in a corporation that had casinos in Las Vegas and Lake Tahoe. And through its holdings of Parvin/Dohrmann stock, the foundation had an interest in the Fremont, casino-hotel, which P/D had bought in June 1966.

TOO MUCH

Late last week, the Parvin Foundation announced that with "deep regret" it had accepted the resignation of Justice Douglas. The expanded activities of the foundation, Douglas told the board, was becoming "too heavy a workload" for him. The resignation may well end the Justice's increasingly embarrassing connection with the Parvin operations. But it is not likely to end the public interest in Parvin/Dohrmann.

That interest dates back to late October, when Delbert Coleman, a Chicago businessman, whose varied interests include an investment in the Atlanta Braves baseball club, bought a 300,000-share controlling block of stock in P/D at $35 a share from Albert Parvin and his family trusts (192,000 shares), and Parvin's partner, Harry Goldman (108,000 shares). The partners sold, the 69-year-old Parvin told Newsweek's John Dotson last week, because they wanted to retire. "I wanted out," said the short, stocky Parvin, "I had had all I wanted of business." Parvin immediately took off for an East African safari, and Parvin/Dohrmann's stock immediately took off.

The American Stock Exchange price for P/D had been around $38 a share when Parvin and Goldman signed the sales agreement. By the time Parvin got back from his safari, the price was up to $52, and by the time all technicalities were completed and the deal was closed Jan. 10, the price was up to $80. It kept right on soaring, even though the company in April reported a loss for 1968 of $3 million, even though the Amex suspended trading in the issue for several weeks in April (it continued to trade over-the-counter) and even though the Securities and Exchange Commission, charging P/D with failure to disclose relevant information, suspended all trading for one week earlier this month. In fact, only after the Nevada Gaming Control Board indefinitely suspended plans of the company to acquire the Riviera a couple of weeks ago did the stock finally break from near its $141 high. It closed last week at $88.25—still a handsome gain from Coleman's purchase price of $35.

Craze: Many Wall Street experts attribute this phenomenal performance to the current speculative craze for gambling-resort stocks. The craze is powered by rising numbers of tourists leaving rising amounts of money at the gambling tables, plus the entry into gambling of Howard Hughes. Hughes has bought six Las Vegas casinos in the last two and a half years. The access of new efficiency and Hughes's glamour have sent the shares of public companies that have acquired casinos (Continental Connector, Lum's, Benguet Consolidated) zipping all over the market.

But there is doubtless a second market factor at work in the rise of Parvin/Dohrmann. It is what experts call "sponsorship"—the powerful buying of a stock by big important names with big important money.

First, there is Coleman himself, a man who established a reputation as an operator as head of Seeburg Corp., a Chicago jukebox company that he left only last year. But, as the SEC forced P/D to reveal this month, Coleman was not acting alone. He only bought 157,000 shares of the original block of stock himself, parceling out the rest to, among others, Allen & Co. (headed by multimillionaire Charles Allen), Bernard Cornfeld's fabulous successful Fund of Funds mutual fund and William Bartholomay, president of the Atlanta Braves. Actress Jill St. John and Chicago City Treasurer Marshal Korshak got some stock, too. Cornfeld's Fund of Funds, because of casino investments in the Bahama Islands, was later required to resell its 81,000 shares by the Nevada gambling board. The shares were snapped up by the Oakland Athletics' Charles Finley and a number of prestigeous institutions. Coleman, meanwhile, has continued buying P/D in the open market. The role of Coleman, Bartholomay and Finley in P/D touched off an investigation by Baseball Commissioner Bowie Kuhn.

Given important buying like this, the rise in P/D stock prices was almost certain. The future of the company, however, is not. On the one hand, P/D faces continued scrutiny by the SEC, and Nevada's Clark County district attorney, whose jurisdiction covers Las Vegas, late last week launched an investigation of his own. On the other hand, P/D's loss last year was caused by a one-shot writedown of company assets, and the company has already reported a bullishly handsome profit of $1.02 per share in the first quarter of 1969. There is the chance for a killing or a debacle, in order words, just as there is at one of the company's crap tables.

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BUFFETED PARVIN/DOHRMANN PREPARES FOR A NEW GAME

If the merger proposed last week between Parvin/Dohrmann Co., the much-publicized owner of three Las Vegas hotel-casinos, and Denny's Restaurants, Inc., operator of 1,200 fast-food service outlets, goes through, the big winner will be P/D's wheeling and dealing chairman, Delbert W. Coleman.

An Akron-born lawyer, Coleman has been in the limelight because of the sky-rocketing performance of P/D stock, propelled by massive insider and institutional trading. Coleman holds 207,000 shares which he presumably would be free to sell sometime after mid-October, the earliest the P/D-Denny's deal can be consummated. Denny's is offering four of its shares for one of P/D's, which at the recent $35 price for Denny's could bring Coleman a $19-million profit. The proposal provides that Coleman will be neither an officer nor director in the merged corporation.

Others would share Coleman's fortune. When he agreed last Oct. 25 to buy 300,000 shares of P/D—25% of the company—from Harry A Goldman, the concern's chairman, and Albert B. Parvin, president, at $35 a share, Coleman also was acting for some associates. Included were a group of mutual funds and luminaries such as actress Jill St. John; Chicago lawyer Sidney R. Korshak; William C. Bartholomay, president of the Atlanta Braves baseball team; Allen & Co., the large New York investment house; Alfred Powis, president of Noranda Mines, a Canadian concern which years ago bought out a Coleman-controlled company; and Rubia M. White, wife of a vice-president of Toronto-Dominion Bank, which lent Coleman $2.5-million to pay his 1968 income taxes.

Coleman's biggest partner was F. O. F. Proprietary Funds, Ltd., which was allotted 81,000 shares. But the fund was forced to sell its shares in a private placement this April when the Nevada Gaming Control Board objected to its ownership. It is part of the holdings of Bernard Cornfeld's Switzerland-based Investors Overseas Services, Ltd., empire which already held interests in Resorts International, a company with gambling interests in the Bahamas. The fund apparently sold its holdings for $90 a share, thus becoming among the first to cash in handsomely on P/D's stock play.

UP AND AWAY

P/D's shares rose abruptly soon after Coleman signed the deal with Parvin and Goldman. By the time it was consummated on Jan. 13, the stock had soared to 68½. The shares kept climbing even after P/D reported a loss of $2.49 a share for 1968. The loss was cushioned, however, with the announcement that the company earned a first-quarter profit of $1.02 a share, and on May 13 the price moved to a high of 141½.

Shares declined sharply, but only temporarily, when the Nevada Gaming Control Board said it would issue no more casino licenses to P/D until the state scrutinized operations of its present three hotel-casinos—the Fremont, Stardust, and Aladdin. This apparently stalled P/D's contemplated purchase of the Riviera hotel-casino.

Authorities could have turned on a caution light for several reasons, among them the attention attracted to P/D by investigations of the Securities & Exchange Commission, the American Stock Exchange, and even the commissioner of baseball. Gaming officials probably were also upset that P/D would have been buying a 60% controlling interest in the Riviera from a group that included three then P/D directors and one of its employees, Edward Torres. Torres now owns 63,000 P/D shares, manages its hotel operations, and is still a Riviera owner.

In mid-April, the American Stock Exchange halted trading in P/Ds shares, and trading started over the counter. On May 5 the SEC ordered a temporary halt to OTC activity in the stock. The ban was lifted May 12, but not before the company was forced to spell out details of Coleman's purchases and the names of his associates—something he had failed to do because of what he called "an oversight."

In addition to notoriety from its own actions, P/D was buffeted by related attacks on the Albert Parvin Foundation, set up by P/D's former president with revenues from P/D stock and from shares in other corporations with gambling interests. The foundation's only paid officer was Supreme Court

Justice William O. Douglas, who resigned the position last month.

NEW DAY

Parvin/Dohrmann currently is being run by 32-year-old William C. Scott, Jr., a "very close friend" of Coleman's. Scott predicts the company will turn out to be a classic turnaround situation.

Scott entered the scene last October when Coleman asked him to review the operations of the Los Angeles-based corporation consisting of Albert Parvin & Co., an interior design company; the Dohrmann Co., a 119-year-old hotel supply and equipment-making concern; and the Aladdin and Fremont hotels in Nevada. Before the month ended, Coleman agreed to buy into P/D.

Scott, now P/D's president, was then the youngest partner in the accounting firm of Arthur Anderson & Co. He says he found a company rich with promise and opportunity, but completely lacking in top management and financial controls. Only Parvin and Goldman were permitted to make decisions, yet Goldman had been sick all year, and Parvin had lost interest in the company.

As an indication of the bad state of affairs, Parvin predicted on Sept. 26 that the company would show a profit "three times 1967, maybe four times." This would have worked out to earnings of between $1.50 and $2 a share, instead of the loss actually shown.

OPPORTUNITY

Scott saw that the hotel-casinos were raking in money—he figures the Fremont for a year and the Aladdin for six months brought in $1.80 a share—and more could be expected with improved controls and the addition of more hotels. However, the company's other operations were eating up the profits.

Since taking over on Jan. 10, Scott has done much to put things in shape, including tightening financial controls on the Aladdin and Fremont as well as the Stardust, which P/D purchased this year. For the first quarter Scott reported a profit of $1.4-million or $1.02 a share. With the 1,450-room Stardust and its popular Lido show in the company now, he expects even better results for the year.

Equally enthusiastic about P/D's future is Harold Butler, president of Denny's. He is a high-school dropout who expects his chain to earn $5.7-million on sales of $90-million for the year to end June 27.

The combination with P/D, Butler says, fits perfectly. Denny's, which plans to add 674 units in two years, is a big user of restaurant equipment, which P/D builds. "We can throw tens of millions of dollars into the company to fill production lines," he says. The cash flow expected will approximate $20-million in the second year of combined operations and will help Denny's expansion as money gets tighter.

Butler says Scott is shaping up P/D so fast that he expects the hotel-casinos alone will earn $7-million this year. Based on this estimate, he feels the operation is worth four shares of Denny's stock, and he is unconcerned about recent gyrations of P/D stock. On Tuesday, it closed at $107¼ a share.

Coleman, meanwhile, is hanging on to his P/D stock, and claims he has never sold any. The original distribution of 300,000 shares was bought with associates, and each took out his portion. In addition, he bought 50,500 additional shares between Dec. 13 and Mar. 28 at prices between $68 and $107.

Coleman, 42, has been an aggressive operator for years. In 1956 he bought into Seeburg Corp., the automatic vending machine company, and expanded its sales from $25-million to nearly $100-million. But he failed in efforts to turn Seeburg into a conglomerate, and last year sold out to Commonwealth United Corp., a diversified West Coast entertainment-based company. His other interests include a share of the Atlanta Braves baseball team and a seat on the American board of Noranda Mines, Ltd.

TWO VIEWS

Coleman has both ardent backers and vehement detractors.

Very much in his camp is Louis J. Nicastro, president of Seeburg under Coleman, who has remained with the company since its acquisition by Commonwealth United.

"Del Coleman specializes in financial management, and I've never seen anyone so fast in the ways of financial imagination and creativity," says Nicastro. Such warmth is natural; he made $4.5-million on the sale of his Seeburg stock to Commonwealth. In addition, Nicastro's family foundation got 9,000 of those P/D shares at $35, which will mean a $1-million profit if the sale to Denny's goes through.

Less charitably inclined toward Coleman is Sidney M. Katz, formerly president of Kay Instruments. Katz sold Kay to Seeburg and worked for Coleman for a year. "My education under Mr. Coleman was fascinating, extensive, painful, and expensive," says Katz. The two men disagreed on the management of the division, and Katz left. Kay then was sold by Seeburg for a "very substantial loss."

Another Seeburg executive describes Coleman as "a financial wizard," but he adds that "as far as operating a business, which technically requires the confidence of a large group of people, he isn't much interested."

TEAM

All of this may explain why Coleman has let Scott handle P/D's day-to-day operations while he functions as a $1-a-year chairman from a suite in New York's Carlyle Hotel. "Coleman is the idea man, and we are in touch with each other daily. But he has given me total control," says Scott.

While the combination with Denny's was being proposed, Coleman and Scott had been sifting through a long list of new names for Parvin/Dohrmann, hoping to find one to improve its public image.

"We have the list down to about 12 names," Coleman says. "It will be something with a recreational sound to it." Whatever the choice, and if it operates under that name as a division of Denny's, the company seems almost fated to remain in the spotlight. Corporate historians, in fact, will find fascinating bits of the past to amuse themselves. For example, when P/D bought its first Las Vegas hotel-casino, the Fremont, on June 30, 1966, the sellers financed the sale. P/D paid $1,581,250 in cash and $9,656,000 in notes. But it raised the cash down payment and a bit more for working capital by selling the shareholders of Fremont 125,000 shares of P/D at $14 a share.

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## 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.

AMENDMENT NO. 47

Mr. SPONG. Mr. President, this afternoon I submit an amendment to the supplemental appropriations bill and ask that it be printed and lie on the table. I will call it up tomorrow to provide much needed funds for certain educational programs conducted in the District of Columbia. In reporting this bill, the Appropriations Committee eliminated $7 million of previously authorized endowment for Federal City College and its companion institution, the Washington Technical Institute. The annual interest on these anticipated funds—$360,000—has been earmarked for two worthwhile and important programs conducted at these institutions: the cooperative extension program of Federal City College and the mechanical arts program of the Washington Technical Institute. The amendment would restore to this bill $360,000, the amount needed and anticipated for these programs during their second year of operation.

Mr. President, these two programs are comparable to programs which have been operated in the past by various land-grant colleges throughout the country. They are basically self-help programs designed to enable lower income citizens to provide more adequately for themselves and their families. The mechanical arts program consists essentially of vocational training. The cooperative extension program involves education in the fields of homemaking, nutrition, family living, adult and consumer education. The institutions involved provide the vehicles for administration of these programs.

These kinds of programs have proven their value in the past. Their self-help approach is one which Congress has justly fostered in other areas. Their importance at this time of unrest and need should not be underestimated. And their particular significance in the urban context should be appreciated. These programs help the urban poor become more independent of public support and enable them to become more productive members of society. During its first year of operation, for example, the extension program brought needed advice and training to more than 800 families—more than 4,000 individuals—in the District of Columbia. With the income from the $7 million endowment, officials have anticipated expanding the program threefold during its second year. The amendment would enable them to proceed with this expansion.

In light of difficulties which Federal City College has experienced during its first year, it should be stressed that the cooperative extension program is not an integral part of the college's regular curriculum, does not directly involve its regular undergraduate or graduate student body, and is not conducted on the college's campus.

In closing I would like to emphasize that in proposing the appropriation of $360,000 for these programs, I do not view this as a substitute for the full $7.24 million endowment previously authorized under Public Law 90–354. The House appropriated the endowment, which was authorized in lieu of a land grant, and so this will be a matter for discussion in conference. However, I would want to be assured that the extension work would be continued. Adoption of this amendment will accomplish this.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. SPONG. Mr. President, I ask unanimous consent that a letter I received from the Cooperative Extension

Service be printed at this point in the RECORD.

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

COOPERATIVE EXTENSION SERVICE,
*Washington, D.C., June 16, 1969.*

HON. WILLIAM B. SPONG,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR SPONG: This letter is in response to your letter regarding the $7.24 million endowment for the land grant status of the Federal City College.

The endowment authorized by Congress (PL 90-354) called for appropriations in lieu of land to be used to establish agricultural and mechanical arts programs for the citizens of the District of Columbia. This is a fund appropriated only once which by law must be invested in Government securities and bonds. The interest in the amount of approximately $360,000 is to be used for land grant programs. Such programs include the traditional agricultural and mechanical programs as well as adult education programs for homemakers and citizens. Washington Technical Institute which shares half (50%) of the endowment uses its funds to develop mechanical arts programs. Initial efforts have resulted in developing such programs as engineering, environmental science, and pollution abatement. The Federal City College uses its half in agricultural programs in training future extension workers, 4-H leaders, and nutrition educators. The funds are also used in extending educational opportunities off-campus to citizens of the District in a variety of areas.

The endowment funds are not used to pay the salaries of the regular teaching faculty of Washington Technical Institute and the Federal City College. The staff carrying out the land grant programs are not the same staff teaching the regular academic programs. These land grant programs are administered from our offices at the Mt. Vernon Square site, a half mile removed from our building at 425 Second Street which serves as the campus for our student body. This program has been free of any disturbances and may be considered one of the most successful sponsored by the college.

As a land grant college we also receive the United States Department of Agriculture extension funds as does every state of the union to carry on specific Cooperative Extension programs in such areas as 4-H youth development, home economics, and nutrition education. The following was stated in the hearing on the Department of Agriculture appropriations for 1970:

During the current fiscal year the Federal City College has available $75,000 provided in the 1969 appropriation and $38,400 provided for the expanded nutrition program. Programs of family living and nutrition for low-income families are underway, as are 4-H youth programs.

An Extension family center has been established in the far Northeast in the Lincoln Heights area in cooperation with the National Capital Housing Authority. Local programs are conducted there to serve people near their homes. Federal City College is planning with the Mayor's office to include Extension work in the model cities area.

The $275,000 increase requested in the budget will be used to conduct programs in four additional community locations. The program provided will serve 10,000 members of low-income families through direct involvement in family living programs and 12,000 youth through involvement in youth programs. Also, the staff plans to make increased use of radio, television, and other mass media.

As we are completing our first six months in these programs we have seen that our predictions were indeed valid. Recognizing Nutrition Education as a dire need in Washington, D.C. the Cooperative Extension Service has initiated several programs to help in this area. Already more than 4,000 people in 800 families have been reached in our Nutrition Education program. Twenty-seven women, selected and trained by extension home economists, have returned to their own communities in order to assist low-income families in improving their diets. The program took on broader implications when some of the aides testified before the Select Senate Committee on Nutrition and Human Needs, and others appeared on TV and radio broadcasts.

As a part of Consumer Education lessons, housewives learned the techniques of buying groceries during on-the-spot-training sessions in local supermarkets.

In an effort to follow our programs in Nutrition Education, a telephone answering service has been established. Three-minute "mini-lessons" on improved family living are presented, followed by an opportunity for specific requests from the caller. These calls are followed up with the mailing of pertinent materials in an effort ot keep a continuing contact with the community.

With particular emphasis on pioneering the use of 4-H programs in urban areas, over 1,500 D.C. youth have become involved in clubs which help them to help themselves. It has been possible to use existing mechanical, electrical, horticultural, home economic, and beautification materials developed by national 4-H offices for use in urban settings. For instance, training in mechanics originally used in rural settings on farm machinery have been used in urban areas on automotive projects. 225 4-H members from the 50 states, Canada, and Japan were joined by two District of Columbia members for the 5-day National 4-H Youth Conference. In this connection the youth participated in "A Day on Capitol Hill" where they visited with Congressman Nelsen and Senator Prouty.

The programs at the Extension family center have included Family Financial Planning, Family Clothing Clinics, and Parent Education. Through continued use of these programs and the institution of additional ones, the center's aim is to assist families to more effectively utilize economic, material, and personal resources.

At the Lorton Correctional Institute, our programs have developed to include a full freshman curriculum beginning July 1, 1969, in order to enable the inmates to be paroled to the Federal City College as well as other area colleges with the advantage of having college experience behind them. As it has been found that over 70% of parolled inmates end up returning to Lorton, the hope is that this will reduce that high rate of recidivism considerably.

As the Director of Cooperative Extension in the District of Columbia and Dean of Community Education at the Federal City College. I work closely with the other 50 states in the direction of these programs. My former experience as Assistant to the Administrator of the Federal Extension Service assures me that they would concur with me that in less than one year of operation we have carried out effective, successful programs generally associated with extension service and we are pleased with the results.

The need for land grant programs in the District of Columbia is indeed great. The interest from this endowment which is estimated to be $360,000 in the first year, would enable us to triple our efforts in these areas.

Sincerely yours,

EUGENE WIEGMAN,
*Director, Cooperative Extension Service, Dean, Community Education.*

ADDITIONAL COSPONSOR OF AN AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the able and distinguished Senator from Alabama (Mr. ALLEN), who presently presides over this Chamber with a degree of skill and dignity "so rare as a day in June," be added as a cosponsor of the amendment which was earlier offered by the Senator from Tennessee (Mr. BAKER) and accepted by the majority and minority managers of the bill, to exempt from the limitations, imposed by the appropriations bill which we are now considering, those expenses of the Tennessee Valley Authority paid out of the proceeds of its power operations, and so forth.

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, as modified, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 48 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 19, 1969, at 11 o'clock a.m.

## NOMINATIONS

Executive nominations received by the Senate June 18, 1969:

DIPLOMATIC AND FOREIGN SERVICE

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

Joseph Palmer 2d, of Maryland, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Libya.

Adolph W. Schmidt, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Terence A. Todman of the Virgin Islands, a Foreign Service Officer of class two, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 18, 1969:

POST OFFICE DEPARTMENT

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

SECURITIES AND EXCHANGE COMMISSION

James J. Needham, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1973.

## WITHDRAWAL

Executive nomination withdrawn from the Senate June 18, 1969:

IN THE ARMY

Lt. Gen. William Beehler Bunker, XXXXXX Army of the United States (major general, U.S. Army) to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 3962, which was sent to the Senate on May 23, 1969. General Bunker died June 5, 1969.