inclusion in the CONGRESSIONAL RECORD, as follows:

MAY 19, 1969.

Re the ROTC Study.
To: Dean L. Linscott.
By: Gordon P. Fisher.

It may have come to your attention that I have been asked to serve on the Faculty committee on R.O.T.C. Knowing of your interest in this matter, I am asking your assistance in striving to reach a point of view that is broadly representative of Faculty opinion.

It would be most helpful to me to have your views on the R.O.T.C. question in general and a statement of your fundamental concern. In addition to other views, I would welcome your comments on three points particularly:

(1) Should universities support R.O.T.C. programs and engage in the education of regular and reserve military officer candidates? Why?

(2) Assuming that the answer to (1) is yes and well-supported by argument, should *Cornell* be so engaged? What, in your view, are the *really compelling* philosophical reasons for Cornell to maintain an R.O.T.C. program? Should it be left to other universities such as Texas A & M, V.P.I., etc. which are more receptive, perhaps because of their roots in a military tradition, to carry on R.O.T.C. education? (For example, the provision of military scholarships to Cornell students is not to my mind a *compelling* reason, although it is certainly part of the price to be paid for abolishing R.O.T.C.)

(3) If R.O.T.C. programs should continue at Cornell, hopefully with some enthusiasm and honest cooperation to insure their respectability within the University, what changes, if any, in the content and mechanics of the program would you like to see made? Which are vital? Which should receive top priority? In parallel, what steps could the University administration and other academic departments take on their side to enhance military officer education and its position in the University?

I shall be most grateful for your considered response. In responding, please tell me also whether you would object to having your statement exposed to the full Committee. I am indebted to those of you who already have sent me statements of your views. Please feel free to extend this invitation to any of your faculty colleagues.

MAY 28, 1969.

To: Prof. Gordon P. Fisher.
From: Dean L. Linscott.
Re: The ROTC Study.

Thank you for your memo of May 19 regarding the ROTC study. I am happy to forward an opinion to you on this matter. Feel free to expose the statement to the full committee if you so desire.

I will comment on the three points you mentioned first.

(1) The universities of the nation *should* support ROTC programs and engage in the education of regular and reserve officer candidates. In my opinion, mankind has not progressed sufficiently to eliminate the need for defensive mechanisms, and it is not likely in the foreseeable future that the situation will change. Therefore, the armed forces purpose is to defend the nation, uphold the constitution, and act as directed by civilian authority in the best interests of this nation and the world. Members of the services are participating in a necessary and an honorable profession. (Excesses, mismanagement and other deficiencies present in any organization are not in question at the moment.)

I think we ought to assume as a fundamental principle that civilian authority should prevail over the military because of the inherent power of a military organization. In other words, civilian influence and control of the armed forces should be a national concept, a part of the check and balance system to be maintained intact or even strengthened. Military forces, especially of this nation, do not initiate action unilaterally. Armed forces are instruments of civilian policy. Major confrontations nearly always stem from civilian diplomatic failures. In view of our present global commitments it is amazing to me that incidents of small confrontations, which may or may not have been the result of unilateral military indiscretion, have been so few in number. Indeed, this fact is highly complimentary of the judgments exercised by our armed forces.

If the armed forces, acting under civilian direction and influence, perform their missions in the best interests of the United States and hopefully the world, as directed by civil authority and do so in a spirit of protection and defense and not aggression, it seems to me that they are a moral force and hold a necessary and legitimate place in our society. Thus, universities have the same responsibilities to the armed forces as they have to any special interest group—medicine, engineering, agriculture, business, law, industry, labor, etc. The argument against specialized education or training of the military by universities can be applied with equivalent logic to all of these groups. Some say let the military conduct their own specialized postgraduate education programs and keep the military off the campus. Others may say let the sociologists conduct their own specialized postgraduate educational programs and keep the sociologists off the campus. Accept one argument and it seems you should accept the second.

A second compelling reason stems from the philosophy of civilian control and influence of the military and other necessarily authoritarian agencies. To disengage universities from the military will cause a situation of inbreeding and seclusion which ultimately may foster sharp confrontations between civilian and military agencies at grass roots as well as top levels. We should keep civilians close to and within the military structure who can appreciate the military point of view, yet convey effectively to the armed forces a sense of civilian purview and objectivity. I can testify that the Reserve Officer fulfills this role.

A third argument, although not critical, is one to consider. If universities condone and accept vocal extremist groups as a legitimate part of their systems (some of which groups publicly advocate the destruction of constitutional authority and the nation, by whatever means possible) then it seems the universities are bound to accept and support organizations with opposing views (some of which are sworn to defend the nation and constitutional authority) if indeed they are to be called universities.

(2) The answer to (1) was yes, hopefully supported by satisfactory argument. Should Cornell be so engaged? *Yes.* We should have military officers from universities *which are not* heavily vested in military tradition for reasons indicated in (1). Numbers of officers graduating from Cornell, of course, are insignificant. But Cornell is considered by some to be a bell-wether university—"the most western of the eastern and most eastern of the western." Ill considered action by Cornell could have inordinate consequences. The principle as stated in (1) is the key. If the answer to (1) is yes, Cornell as a leader should give active support to ROTC programs. A second reason, Ezra Cornell wanted a university where one could study any subject—a present day impossibility. I think he really wanted a university of free expression with balanced programs. I do not see ROTC as a threat to *any other* Cornell program while retaining value and validity in its own right.

The suggestion has been made to let Texas A & M, V.P.I. etc. produce our military officers. Since the Ivy league produces so many leaders in government and politics are we indeed suggesting that the Midwestern and Southern schools develop those men who have to clean up after the failures of our protegés? Isn't this an example of the "inequities" that some of our students and faculty have been so concerned about?

(3) The military has given honest cooperation to this University in the past and gives every indication of being willing to do so in the future. In return they should be allowed to perform their teaching role by the university without unwarranted harassment.

Military curriculum should be left to the faculty committee on military curriculum and the military. We have no convincing evidence that the military at Cornell are operating in any manner inconsistent with Cornell traditions. If you find evidence to the contrary, my suggestion is that the military will encourage dialogue and bilateral action for improvement. I am impressed by the general lack of criticism by students of military courses, the manner of presentation, and of the professional competency of the military professors. I say that there is no real problem with the ROTC at Cornell.

In summary, I think it would be a serious error for this University to remove ROTC from the campus. To do so would serve no creditable or legitimate purpose, in my opinion.

SENATE—*Thursday, June 19, 1969*

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

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

O God, whose splendor fills the world, whom we would worship in the beauty of holiness, and whom we can find in the holiness of beauty, who art ever saying "he that hath ears to hear, let him hear" mercifully quicken all the senses with which Thou hast endowed us, that each may be an opening door into the presence of the Eternal. However few or many our days, we thank Thee for life itself and that we may serve Thee here. Receive, O Lord, the dedication of energies, that amid the round of daily duties we may keep ever before us the vision of the higher kingdom which Thou hast revealed in Thy Son who went about doing good, 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 Wednesday, June 18, 1969, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1647) to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished senior Senator from New York (Mr. JAVITS), I ask unanimous consent that there be a brief period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following measures on the calendar: Calendar Nos. 212, 226, 231, 232, and 233.

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

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

The Senate proceeded to consider the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, which had been reported from the Committee on Finance with an amendment, on page 2, after line 14, insert a new section, as follows:

SEC. 3. (a) Section 403(d) of the Social Security Act is repealed.

(b) Section 403(a) of such Act is amended by striking out "(subject to subsection (d))" in the matter preceding paragraph (1).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-223), explaining the purposes of the bill.

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

PURPOSE OF HOUSE BILL

The bill as it passed the House, and as it has been approved by the Committee on Finance, would make permanent the existing temporary suspension of duty on crude chicory roots.

COMMITTEE AMENDMENT

The Committee on Finance has added a new section to the bill which would repeal the limitation on Federal participation in aid to families with dependent children. Under present law, this limitation is scheduled to become effective on July 1, 1969.

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

Public Law 85-378, approved April 16, 1958, provided for the suspension of duty on crude chicory (except endive) for a period of 2 years. This legislation also provided that the duty on chicory, ground or otherwise prepared, would be 2 cents per pound for the period during which the duty on crude chicory was suspended. This suspension of duty on crude chicory and reduction in the duty on ground chicory has been successively extended on a temporary basis as follows:

Public Law 86-441, April 22, 1960;
Public Law 86-479, June 1, 1960;
Public Law 88-49, June 29, 1963; and
Public Law 89-439, May 31, 1966.

The temporary duty treatment for crude and ground chicory provided in Public Law 98-439 will terminate on June 30, 1969.

No chicory has been grown in the United States since 1954 and domestic processors of chicory depend on imports of crude chicory. The temporary suspension of duty on crude chicory and the temporary reduction in duty on ground chicory provided in Public Law 85-378 and extensions thereof provided domestic producers of ground chicory with a 2-cents-per-pound rate differential between imports of crude chicory on which they depend and imports of ground chicory with which they compete. The 2-cents-per-pound rate differential has been in effect since Public Law 85-378 was approved on April 16, 1958.

As a result of the Kennedy round of trade negotiations, the regular rate of duty on crude chicory under item 160.30 of the tariff schedules is being reduced from 1 cent per pound to 0.5 cent per pound in 5 annual stages, the last stage scheduled to become effective on January 1, 1972. The existing rate of duty (except for the temporary suspension) is 0.8 cent per pound. Similarly, the regular rate of duty on ground chicory under item 160.35 of the tariff schedules is being reduced from 2.5 cents to 1.5 cents per pound in 5 annual stages as a result of the trade agreement reached in the Kennedy round. The existing rate of duty on ground chicory (except for the temporary reduction to 2 cents per pound) is 2.1 cents per pound, the final stage of the reduction to 1.5 cents per pound to become effective on January 1, 1969.

Thus, unless H.R. 8644 is enacted, the existing regular rates of duty on crude and on ground chicory provided by item 160.30 and 160.35, respectively, will become effective on July 1, 1969, and under these circumstances, the differential between the rates of duty on crude and ground chicory will be reduced from the present 2 cents to 1.3 cents per pound on July 1, 1969, and to 1 cent per pound on January 1, 1972, the final stage of the Kennedy round reductions.

The Committee on Finance is unaware of any objections to this bill, and no objection was received from the interested departments and agencies.

REPEAL OF LIMITATION ON FEDERAL PARTICIPATION IN AID TO FAMILIES WITH DEPENDENT CHILDREN

During its consideration of the Social Security Amendments of 1967, the House Ways and Means Committee recommended a major new approach to the reduction of dependency in the program of aid to families with dependent children. The basic features of the new approach included work training, work incentives through earnings exemptions, and day care for the children of working mothers. To insure that States would rapidly implement this major new program, the committee placed a limitation on Federal participation in aid to families with absent dependent children. The limitation, which would have become effective in January 1968, was related to the proportion of children who were receiving AFDC because of the absence of a parent from the home.

The Senate Committee on Finance endorsed the basic approach of the House bill—the reduction of dependency through employment—but it proposed a broader and more comprehensive work incentive program. The committee felt that in view of these major changes, it was no longer necessary to place a limitation on Federal participation in AFDC. The Senate version of the social security amendments contained no such limitation.

While the House conferees were unwilling to have their limitation deleted, they did agree to delay its effective date until July 1, 1968.

As signed into law, the Social Security Amendments of 1967 placed a limitation on Federal participation in aid to families with dependent children (the "AFDC freeze") related to the percentage of the child population under age 18 receiving welfare because of the absence of a parent from the home. The percentage of this type of child represented of the total child population was to be calculated during the base period (January to March 1968). For each calendar quarter beginning July 1968, the "freeze percentage" was to be multiplied by the child population on the previous January 1 to determine the total number of children receiving AFDC because of an absent parent for whom there would be Federal matching. The limitation thus allowed for an upward adjustment only once annually, in recognition of the growth of the State's total child population. Despite the limitation, the States would still be required under Federal law to provide assistance promptly to every needy child meeting the State's eligibility standards—but the entire cost of assistance to children in excess of the limit would be borne by the States and localities, with no Federal matching.

In 1968, the Senate again voted to repeal the AFDC freeze as an amendment to the bill which became the Revenue and Expenditure Control Act of 1968. At that time, litigation in several States (related to duration of residence requirements and the eligibility of families to receive assistance when there was a man in the house not married to the mother of the family) threatened to modify State eligibility requirements and add substantial numbers of new AFDC recipients to the rolls. At the same time, Federal funds had not even been appropriated to initiate the work incentive program.

The House conferees again refused to repeal the limitation. They did agree to postpone the effective date for 1 year (until July 1, 1969) and to make special provision for increases in the AFDC rolls by the second quarter of calendar year 1969 as the result of—

any decision by a court of the United States of competent jurisdiction in any case or controversy in which there is decided the issue of the validity, under the United States Constitution, of any law, rule, regulation, or policy of a State under which aid to families with dependent children is denied to individuals otherwise eligible therefor because of failure to meet duration of residence requirements or because of the relationship between a male individual and the mother of the child or children with respect to whom such aid is sought.

At the time the conferees acted, it was anticipated that the Supreme Court would soon rule on the duration of residence and man-in-the-house cases, and that the decisions, if they ruled out these eligibility requirements, would be based on constitutional grounds. However, only the decision to eliminate the man-in-the-house rule was made in 1968—and that ruling was made on statutory, rather than constitutional grounds.

It was not until April 21, 1969, that the Court handed down a decision that would force States to eliminate eligibility requirements based on length of residence. This decision was made on constitutional grounds. Last year's decision affected 18 States; this year's would affect some 40 States.

The Department of Health, Education, and Welfare has estimated that an increase in the AFDC rolls ranging from 200,000 to 400,000 recipients might result from the elimination of the man-in-the-house rule; another 100,000 to 200,000 AFDC recipients might be added to the rolls as a result of the elimination of duration-of-residence eligibility requirements.

For the most part, under present law there would be no Federal participation on behalf of the children added to the rolls as the result of the Supreme Court's decisions. Children added who would have formerly been ineligible under a man-in-the-house rule are not covered by the special provision added to the law last year, since the Court's decision was made on statutory rather thar constitutional grounds. Last year's special provision was aimed at adjusting the AFDC limitation to take into account cases added because of court decisions; the added cases were to be measured in the second quarter of 1969. But since the Court's decision on duration-of-residence eligibility requirements was not made until April 21 of this year, most additional cases relating to this decision will be added to the rolls after the second quarter of 1969, and will be in excess of the freeze limitation.

There is another important consideration. The basic purpose of the original House limitation was to provide a strong incentive for the States to move rapidly to implement the work incentive program. Neither the Federal administrators nor the States have done so. Implementation of the program has been so slow that the new administration was able to reduce the budget requests for the work incentive program by $35 million simply on the grounds that the funds could not be used.

The Department of Health, Education, and Welfare estimates that the limitation in existing law would reduce Federal participation in AFDC by $322 million in fiscal year 1970.

For these reasons, the committee recommends a third time that the limitation on Federal participation be deleted.

EMPLOYMENT OF ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY BY THE SECRETARY OF COMMERCE UNDER CERTAIN CONDITIONS

The bill (S. 1173) to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce to the extent he determines to be necessary, and subject to adequate security investigations and such other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–235), explaining the purposes of the bill.

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

GENERAL STATEMENT

S. 1173, which was introduced at the request of the Secretary of Commerce, would authorize the Secretary to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting payment of compensation to aliens. Such a prohibition is contained in section 502 of the Public Works Appropriation Act, 1969, approved August 12, 1968, Public Law 90–479 (82 Stat. 705). A similar provision has been carried in one of the appropriation acts for several years, and it is assumed that it will be repeated in the future.

In requesting this legislation, the Department of Commerce has indicated that on various occasions the only persons qualified and available for certain highly specialized scientific and technical positions in the Department, could not be employed because they were not citizens of the United States. The proposed measure would permit the employment of aliens in such circumstances, subject to adequate security investigations and to a prior determination that no qualified citizen of the United States is available for the position.

The Department has cited various specialized fields of scientific and technical endeavor of concern to the National Bureau of Standards, the Environmental Science Services Administration, and the Bureau of the Census in which the supply of talented and experienced individuals appears to be more plentiful abroad than in this country. In countries such as Sweden and Switzerland active research has continued in certain areas of science and technology that are no longer particularly attractive to American students, but are important to the Department's programs. However, nationals of these nonalined countries cannot now be employed by the Department. Enactment of S. 1173 would enable the Department to utilize the services of these foreign experts when U.S. citizens with suitable qualifications are not available.

Legislation similar to S. 1173 has been enacted giving various other agencies authority to employ aliens with special qualifications or for specific purposes without regard to statutory prohibitions. Seven examples of such legislation are cited in the letter from the Comptroller General included later in this report.

The statement of purpose and need for S. 1173 that was transmitted to the Congress by the Department of Commerce follows:

STATEMENT OF PURPOSE AND NEED

The proposed legislation would authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting the payment of compensation to aliens. Such employment would be subject to adequate security investigations and to a prior determination that no qualified U.S. citizen is available for the particular position involved.

On various occasions, agencies for the Department of Commerce engaged in scientific or technical work have found that the only persons qualified and available for certain highly specialized positions are not citizens of the United States. However, in many cases these individuals cannot be employed by the Department due to provisions in appropriation legislation which prohibit, with certain stated exceptions the compensation of aliens from appropriated funds. The current prohibition is contained in section 502 of the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969, approved August 12, 1968 (Public Law 90–479) and applies to all appropriations for the current fiscal year.

The need to utilize the services of these talented foreigners is due in part to the general shortage of scientists and engineers in this country. More significant, however, is the fact that some of the Department's technical programs are outside the popular or currently fashionable areas of modern science, and, therefore, are not particularly attractive to American students and scientists. In many such fields, the supply of talent is much more plentiful abroad.

For example, the National Bureau of Standards (NBS) has experienced great difficulty in recent years in recruiting physicists trained in atomic spectroscopy. At the same time, the demands upon NBS for precise data on atomic properties, obtainable through spectroscopic studies, have increased sharply. Such information is essential in interpreting astrophysical data associated with the space program, in measuring and understanding plasmas such as those involved in thermonuclear fusion research, and in understanding the physical processes involved in rocket propulsion.

Though American universities have been producing few trained personnel in this field, spectroscopy has continued to be an active field of study and research abroad. Among the major producers of atomic spectroscopists is Sweden; however, Swedish nationals may not be employed by NBS under the present statute.

A similar situation exists with respect to applied mathematics, where the general shortage of trained mathematicians is aggravated by the lack of individuals interested and qualified in certain specialized branches of mathematics. The Bureau of the Census, for example, recently was denied the services of an exceptionally well qualified statistical consultant with extensive experience in censuses and surveys because the individual was a citizen of Sweden. NBS has been unable to recruit persons skilled in numerical analysis. This is a relatively new mathematical field in the United States, but is increasingly important because of the applicability of these techniques to the analysis of extremely complex problems in science and technology. One of the most valuable sources of trained personnel in this field is Switzerland, but NBS is precluded from the employment of Swiss nationals.

The varied programs of the Weather Bureau of this Department's Environmental Science Services Administration frequently require unique combinations of talent that are extremely rare. For example, the Weather Bureau recently needed physicist-meteorologists with specialized experience in the measurement and analysis of atmospheric ozone. Two well qualified candidates were found to be available—one from Switzerland and one from India. Neither could be employed under the present statute. Sweden, which has produced world renowned meterologists

and has an international Institute of Meteorology, also is "out of bounds" for recruitment to fill the highly specialized needs of the Weather Bureau.

Numerous other cases might be cited from a Swedish specialist on the rheological properties of paper, who would have been ideally suited to a position at NBS, to an Egyptian oceanographer, who had exceptional qualifications for general circuation research with the Weather Bureau. The proposed legislation would enable the Department to take full advantage of such unique and long-sought combinations of talent and experience from abroad whenever suitably qualified U.S. citizens are not available.

Authority similar to that here sought was granted by the 88th Congress to the Smithsonian Institution. In earlier action, the Congress exempted the National Aeronautics and Space Administration and the Department of Defense from the prohibitions against employment of noncitizens. The Department of Agriculture, the Immigration and Naturalization Service, and the Public Health Service also are among the various agencies authorized by the Congress to employ aliens for certain necessary purposes.

COMMITTEE CONSIDERATION

A similar bill, S. 1291, was introduced in the 88th Congress at the request of the Secretary of Commerce. It was favorably reported by the committee with amendments to insure that an adequate security investigation be conducted, and that the rates of pay for alien employees be consistent with the pay received by U.S. citizens in comparable positions. The amended bill was passed by the Senate, but no action was taken in the House.

S. 905, which was introduced in the 89th Congress at the request of the Secretary of Commerce, incorporated the amendments previously adopted by the Senate. That bill was favorably reported by the committee, passed by the Senate, but again received no action in the House.

The present bill, S. 1173, is identical to S. 905 which passed the Senate April 21, 1965.

COST OF BILL

There will be no additional cost to the Government as a result of the enactment of S. 1173.

TENTH ANNIVERSARY OF THE OPENING OF THE ST. LAWRENCE SEAWAY

The concurrent resolution (S. Con Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway was considered and agreed to, as follows:

S. CON. RES. 17

Whereas the Saint Lawrence Seaway, as a joint project of Canada and the United States, has been of inestimable benefit to the United States and the entire North American Continent; and

Whereas the tenth anniversary of the official opening of the Saint Lawrence Seaway occurs on June 26, 1969; and

Whereas the Governors of the eight States bordering on the Great Lakes plan to sponsor appropriate ceremonies during the period from June 26, 1969, through July 7, 1969, to observe the tenth anniversary of the Saint Lawrence Seaway: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the great benefits the Saint Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-Saint Lawrence Seaway system, but throughout the entire United States and the North American Continent, and commends the celebration, during the period from June 26, 1969, through July 7, 1969, of the tenth anniversary of the opening of the Saint Lawrence Seaway to all Americans.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–241), explaining the purposes of the concurrent resolution.

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

PURPOSE

The purpose of the concurrent resolution is to provide that the Congress recognize the great benefits the St. Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-St. Lawrence Seaway system, but throughout the entire United States and the North American Continent, and to commend the celebration, during the period from June 26, 1969, through July 7, 1969, of the 10th anniversary of the opening of the St. Lawrence Seaway to all Americans.

STATEMENT

The anniversary will occur on June 26, 1969. During the 2-week period, June 26 to July 7, 1969, festivities will be held by the eight Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, as well as by the Canadian Provinces of Manitoba and Ontario.

A Governors' committee, 10th anniversary, St. Lawrence Seaway, has been formed; and the Great Lakes Commission has been designated to serve as the central coordinating agency for the event.

In addition, the Departments of State, Transportation, Commerce, and Defense are cooperating in planning and presenting the program.

The completion of the St. Lawrence Seaway—formally dedicated on June 26, 1959, by President Eisenhower and Queen Elizabeth—represents a milestone of major progress in creating a stronger economic link between the United States and markets, people, and nations around the globe.

Authorized by the so-called Wiley-Dondero law in 1954, Public Law 83–358, the completed waterway also stands as a symbol of joint United States and Canadian efforts to build, improve, and modernize the St. Lawrence Seaway for the mutual benefit of the people of both countries.

Stretching 2,342 miles into mid-continent North America, the St. Lawrence Seaway has opened to the populous, resource-wealthy heartland vast, new opportunities of world commerce.

During the first 10 years, both in terms of tonnage and value of shipments, the seaway has confirmed time and again the wise investment that it was.

The committee is of the opinion that the concurrent resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Concurrent Resolution 17.

THE NATIONAL EDUCATIONAL ASSOCIATION OF THE UNITED STATES

The bill (H.R. 4600) to amend the act entitled "An act to incorporate the National Educational Association of the United States", approved June 30, 1906, was considered, ordered to a third reading, read a third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–242), explaining the purposes of the bill.

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

PURPOSE

The purpose of this legislation is to amend the act of incorporation of the National Education Association of the United States so as to eliminate the board of trustees and transfer the present duties of that body to the executive committee of the association.

STATEMENT

An identical bill of the 90th Congress, S. 2628, passed the Senate June 28, 1968.

The National Education Association is an organization which through its local, State, and territorial affiliates represents more than 1,748,000 teachers. The membership includes teachers, administrators, and professors at the primary, secondary, and college level, both public and private. It has had a Federal charter since 1906.

The act of June 30, 1906, conferred a Federal charter on the National Education Association of the United States.

This bill would amend the act of incorporation in a manner recommended by the governing bodies of the association. The amendments proposed by H.R. 4600 are in response to resolutions adopted by the representative assembly composed of approximately 7,000 delegates.

H.R. 4600 was introduced at the request of the National Education Association in response to resolutions passed by the representative assembly in 1966 and again in 1967. It has been approved by the executive committee and the board of directors of the National Education Association.

Under the present NEA charter as amended, there exists a cumbersome structure which results in a degree of isolation of the membership from the executive secretary who is the chief administrative officer of the association.

Under section 12 of the charter, the powers of the active members are vested in and exercised by a representative assembly composed of delegates selected by the State and local affiliates of the association.

Between meetings of the representative assembly and subject to the authority and direction of that body, a 90-member board of directors is charged with all general policies and major interests of the association except those entrusted to the board of trustees and the executive committee. The board of directors consists of at least one member from each State, Commonwealth, and the District of Columbia.

An 11-member executive committee considers and acts on general policies and professional interests of the association between meetings of the board of directors. Its membership includes the NEA officers, two members chosen by the board of directors, and four members elected at large by the representative assembly.

Under section 7 of the charter, a seven-member board of trustees has charge of the association's permanent fund, elects the secretary of the association and fixes the compensation and the term of his office. The board includes the president ex officio and four members elected by the board of directors for 4-year terms.

H.R. 4600 simply amends the act of incorporation of the National Education Association to eliminate the board of trustees and transfer the present duties of that body to the executive committee of the association. The representative assembly wishes to lodge such responsibilities with the executive committee, which body is, for the most part, elected on an annual basis by the representative assembly. Under the existing charter, the asembly can express no direct voice in the selection of the board of trustees.

The bill also would amend the charter to confer upon the association express powers to sell or mortgage its property. These are powers which were expressly held by the as-

sociation prior to the act of 1906 and which apparently were inadvertently ommitted from that act. Accordingly the statement of powers has been revised to include all those granted under the general incorporation laws of the District of Columbia relating to educational organizations.

THE 200TH ANNIVERSARY OF DARTMOUTH COLLEGE

The concurrent resolution (H. Con. Res. 114) commemorating the 200th anniversary of Dartmouth College was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–243), explaining the purposes of the concurrent resolution.

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

PURPOSE

The purpose of the concurrent resolution is to express the congratulations of the Congress of the United States to Dartmouth College on the occasion of the 200th anniversary of its founding, and to extend the hope of the people of the United States that Dartmouth College will continue to grow and prosper in centuries yet to come.

STATEMENT

Dartmouth College was established in New Hampshire in 1769 by grant of a royal charter from King George III of England. Following this, Eleazar Wheelock became the founder and first president of the college, with the principal intent of educating Indians and converting them to Christianity.

It was precisely 50 years later that Chief Justice John Marshall of the U.S. Supreme Court rendered his landmark decision in the Dartmouth College case—a case which had been argued before the Court by the then distinguished Senator from New Hampshire, Daniel Webster.

This college which was described in 1819 by Daniel Webster as "a small college—and yet there are those who love it," has grown into a great institution serving the educational needs of more than 3,000 students. Dartmouth College today has endowments valued at more than $130 million and expends more than $20 million per year for education and general operating purposes.

Dartmouth provides a wide and modern curriculum in the liberal arts. The college also includes a school of medicine which dates back to the year 1797, the Thayer School of Engineering established in 1871, and the Tuck School of Business Administration founded in 1890.

The committee is of the opinion that House Concurrent Resolution 114 has a meritorious purpose and accordingly recommends favorable consideration of the resolution.

Mr. McINTYRE. Mr. President, I am delighted that the Senate has shown its recognition of the outstanding place which Dartmouth College holds in American education by its passage today of House Concurrent Resolution 114, expressing the Congress congratulations to Dartmouth on its 200th birthday.

A great former Member of this body, Senator Daniel Webster, once said of Dartmouth that "it is a small college, but there are those who love it."

As a graduate of Dartmouth College in the class of 1937, and as a Senator from New Hampshire, I count myself in the ranks of those who, having been touched by Dartmouth, love it deeply. I thank the Senate for its recognition of Dartmouth today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with "New Reports."

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

The VICE PRESIDENT. The nominations on the executive calendar will be stated, beginning with "New Reports."

NATIONAL AERONAUTICS AND SPACE COUNCIL

The assistant legislative clerk read the nomination of William A. Anders, of California, to be Executive Secretary of the National Aeronautics and Space Council.

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

GOVERNOR OF GUAM

The assistant legislative clerk read the nomination of Carlos Garcia Camacho, of Guam, to be Governor of Guam.

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

GOVERNOR OF THE VIRGIN ISLANDS

The assistant legislative clerk read the nomination of Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

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

DEPARTMENT OF THE TREASURY

The assistant legislative clerk proceeded to read sundry nominations in the Department of the Treasury.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

VETERANS' ADMINISTRATION

The assistant legislative clerk read the nomination of Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs.

Mr. MILLER. Mr. President, I am most pleased to give my unqualified and enthusiastic support to Donald E. Johnson to be Administrator of Veterans' Affairs.

He is one of Iowa's leading citizens and will do an outstanding job in this highly important position.

I ask unanimous consent that there be placed in the RECORD at this point a statement of Mr. Johnson's background and qualifications, a statement in his support by his Congressman, the Honorable FRED SCHWENGEL of Iowa, and various editorials from Iowa newspapers endorsing his nomination by the President.

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

BACKGROUND OF DONALD E. JOHNSON

The nomination of Donald E. Johnson to be Administrator of Veterans Affairs was announced by President Nixon on June 5, 1969.

Born in Cedar Falls, Iowa, June 5, 1924, Mr. Johnson moved to West Branch, Iowa, in early childhood. He was a student at Iowa State University immediately before and after his World War II service, and also attended the Eastern Oregon College of Education in La Grande.

He enlisted in the Army in 1942, and served in combat with the 89th Infantry Division in the European Theater of Operations. He was discharged from service in 1946 as a Sergeant. His decorations include the Bronze Star, and the Croix de Guerre awarded by the Belgium Government.

Active in veterans affairs for the past 23 years, Mr. Johnson has held nearly every elective office in his West Branch Post of The American Legion, and also served as District Commander. He was elected Department Commander for the State of Iowa in 1952, and on September 24, 1964, was named National Commander of The American Legion.

He has been president since 1961 of West Branch Farm Supply, Inc., and also of D. J. Services, Inc. He is secretary-treasurer of S. & J. Poultry Co., Inc., in West Branch and Waterloo, Iowa. He was formerly chairman of the board for Protein Blenders, Inc., of Iowa City, vice-president of ME–JON Fertilizers, Inc., of Oxford, Iowa, and secretary-treasurer of Johnson Hatcheries, Inc., in West Branch.

He was voted "Iowan of the Year" by radio and television broadcasters in 1965.

In 1954–55 he was chairman of the Governor's Committee on Merit in Employment. From 1958 to 1960 he was an advisory member of the U.S. Commission on Civil Rights. In 1954, and again in 1957, he headed the Iowa fund drive for Crusade for Freedom.

In his hometown he has served two terms on the city council, and was twice president of the West Branch Chamber of Commerce. He headed the West Branch Heritage Foundation from 1965 to 1966, and has been active in P.T.A. and Scout work.

Mr. Johnson and his wife, the former Mary Jean Suchomel, were married October 13, 1947. They are the parents of nine children, three girls—Julie Jean, Joan Marie and Beth Ann—and six boys—Alan Donald (now with the "Green Berets" in Viet-Nam), David James, Brian Edward, Kevin Laird, Kurt Arthur and Robert Conway.

STATEMENT OF REPRESENTATIVE FRED SCHWENGEL

Mr. Chairman, members of the committee, it is a distinct honor and a pleasure to be able to join in recommending Don Johnson to this important committee for the position of Administrator of the Veterans Administration.

President Nixon could not have made a better selection. Don is extremely well qualified for the position of Veterans Administrator. As you know, he has been active in veterans affairs since he completed his service in the Armed Forces after World War II. Since joining the American Legion, he has held the office of district commander, state commander, and in 1964–1965 he served as national American Legion Commander. In this office he not only served the interest of all veterans but served his country in many ways through philanthropic endeavors.

Don Johnson's qualifications are not lim-

ited to his participation in the activities of a veterans organization.

First of all, Don Johnson is a hard working and capable individual who is a successful businessman. He will bring sound administrative experience to the Veterans Administration. In addition, he will bring his imaginative, but thoughtful leadership, needed now more than ever, we try to meet the problems of many of our boys returning from Vietnam to civilian life.

Don Johnson also brings to the Veterans Administration the perspective of a man who has been involved in community activities and civic affairs.

An article which appeared in the several newspapers after President Nixon nominated him summarized the qualities of Don Johnson this way.

"He is a strong believer in the virtues of hard work, unswerving patriotism, loyalty, devotion to family, to duty and to the constitutional freedoms and rights. But, as noted in any important publication, he recognizes his is not the only interpretation of the true worth of these values and he has as deep a respect for the rights of others as for his own. He has a sympathetic understanding of the other fellow's position and uses the gentle but firm persuasion method to win people to his point of view when differences concern him."

Iowans are proud of Don Johnson. They recognize his outstanding qualifications. They know of his contributions toward making Iowa and his home town of West Branch a better place to live. They recognize and appreciate that the nation now has the opportunity to benefit from his talents.

We from the First District of Iowa are especially proud that one of our residents has been honored as Don Johnson has. It is appropriate, too, to note that he comes from West Branch, Iowa, the home town of one of our great Presidents, Herbert Hoover.

I have not dealt in detail with Don's biography. It reveals a distinguished career of public service and dedication to home and country. That record is well known. So what I have tried to do instead is point to the qualities of Don Johnson which make him such an outstanding appointee. The logical choice.

Mr. Chairman, in conclusion I want to express my whole-hearted and enthusiastic support for this nomination. I am confident that this committee, after the hearing record is complete, will appreciate the background of this outstanding man and will recommend approval of his nomination to the Senate.

[From the Iowa City (Iowa) Press-Citizen, June 9, 1969]

NEW VA HEAD

The first major appointment of an Iowan in the Nixon administration has gone to Donald E. Johnson of West Branch. Named head of the Veterans Administration Thursday, Johnson has had solid backing for the position from Iowa Republicans and others in the group.

The appointment is of great interest in this area and not only because Johnson is a longtime resident and known well to hundreds, if not thousands, of his neighbors. It is of particular interest, also, because one of the Iowa City areas major institutions is Veterans Hospital, one of the 166 hospitals and 200 clinics in the VA system, the nation's largest medical program.

In a long career of public service, Johnson has concentrated on matters concerning veterans, a fact which gives him particular insights into his new position. He has worked principally through the American Legion, largest of the country's veterans organizations, and he has served that organization's members at every level from the local post to national commander. His ability and interest was recognized early in the Legion, for he became Iowa state commander in 1952, only six years after being discharged from World War II army service which included combat in Europe.

As VA head, Johnson will direct the largest independent agency of the federal government with more than 170,000 employees and annual expenditures of more than $7 billion. It serves the countrys nearly 27 million veterans and their families, making up almost half the national population. Besides its hospital system, the VA administers a massive life insurance, loan, education and training, and pension and disability compensation programs.

It is a challeging position. In accepting the post, Johnson maintains his participation in public service, this time in an appointive federal position. The prominence of the positions he has held, his strong run for the Republican gubernatorial nomination in 1968, his age of 45, assure that he'll receive prominent attention for other state and national positions, elective or appointive in the fuure.

[From the Davenport (Iowa) Times-Herald, June 8, 1969]

HE'LL GET THE JOB DONE

Donald Edward Johnson's appointment by President Nixon as director of the Veterans Administration is indeed, as Johnson remarked, a challenging one.

And the public service record of this 45-year-old citizen of West Branch, Iowa (1960 population, 1,053)—which also gave to the nation's service the late President Herbert Hoover—would indicate he can fulfill the assignment.

In itself, the VA is a mammoth operation, with a budget exceeding $7 billion. And the President has enlarged the challenge to the Iowan at the outset with a directive that he find out why Vietnam War veterans are not taking advantage of benefits.

As a first assignment, Johnson, former national commander (1964–65) of the American Legion, is to head a new President's Committee on the Vietnam Veteran. It is designed to tailor existing veterans benefit programs to needs of fighting men returning from service in Southeast Asia.

Johnson is energetic, and a sort of signal of his determination might be seen in his comment that Mr. Nixon has stressed there must be planning for returning veterans, and "if it takes a new program . . . that's what we must come up with."

Johnson has held several governmental advisory posts and filled numerous other leadership roles in this state and in his own community.

He was president of the West Branch Chamber of Commerce when only 24. He is an orphan whose father died in World War I.

The Johnsons have nine children. The oldest, now 20, is serving with the armed forces in Vietnam.

One might say Johnson has been in training for this job since he served as a combat infantry sergeant with U.S. forces in the European theater in World War II. He was decorated for bravery.

The choice is an excellent one for several reasons. Donald Johnson is, as Iowa Sen. Jack Miller has observed, a man of high ideals and personal integrity who well understands the problems of veterans and has a unique capacity for getting people to work together. He can be relied upon to do an outstanding job.

[From the Cedar Rapids (Iowa) Gazette, June 7, 1969]

JOHNSON THE RIGHT MAN

President Nixon would have had to look far, wide, long and hard to find anyone better suited to head the Veterans Administration of the United States than the man he selected, Donald Johnson of Iowa.

Johnson symbolizes the U.S. war veteran and the things he stands for and Iowans know him not alone for his hard work in the American Legion, where he has served well in every capacity from rank and file member to national commander, but also for his willingness to pitch in and help with civic and governmental affairs.

As a candidate for the Republican nomination for governor last year he conducted a vigorous and high-level campaign, coming in second in a three-man race. He accepted defeat gracefully and pitched in to help the Republican ticket win in November.

His travels throughout the nation and the world as national commander of the American Legion in 1964–65 have provided him with the broad outlook that will be helpful in the vitally important new position he will assume upon confirmation by the senate.

Even though he has devoted a good share of his waking hours since returning from the European theater in World War II to Legion affairs, Don Johnson has found time, with his wife, Jean, to rear a family of nine children and to make a success in business. His selection by President Nixon, we predict, will prove to be a wise one.

[From the Tipton (Iowa) Conservative]

THE RIGHT MAN

Don Johnson, by any test that you might use, will make an outstanding director of the Veterans Administration. He has shown administrative ability, both from his own business and as former National Commander of the American Legion and he has the kind of forceful, outgoing personality that the position requires. But beyond this he believes in the men who have served their nation in time of conflict and he believes in the country which they served.

He will be a useful member of the Nixon administration. Johnson speaks well and is a forceful personality. He is now a seasoned politician and he has survived the rigors of an unsuccessful campaign for governor quite well. Some of the lessons he has learned have not been without pain, and they have tempered his political judgment. He is ready for the job.

The waiting for official confirmation that he was to be nominated as director of the VA was long and must have been a little annoying for, until the President makes his announcement, all the other assurances, no matter how gratifying, are not final.

Johnson had been considered for the post from the beginning. There was a time, nearly a month ago, when it was felt that he had the inside track. Then, when no announcement came, other names were more prominently mentioned—names of men of considerable ability and stature. Johnson, with many good friends in Washington, could only wait. Now that the waiting is over there will be hearings and not all of those who check his credentials will be favorable to Johnson.

Johnson, by his record and through his personality, will be his own best advocate. We are certain that he will continue to serve his nation with ability.

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

RENEGOTIATION BOARD

The assistant legislative clerk proceeded to read sundry nominations to the Renegotiation Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection the nominations are considered and confirmed en bloc.

U.S. CIRCUIT JUDGE

The assistant legislative clerk read the nomination of George Harrold Carswell, of Florida, to be U.S. circuit judge for the fifth circuit.

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

U.S. DISTRICT JUDGE

The assistant legislative clerk read the the nomination of David W. Williams, of California, to be U.S. district judge for the central district of California.

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

U.S. COURT OF CUSTOMS AND PATENT APPEALS

The assistant legislative clerk read the nomination of Donald E. Lane, of the District of Columbia, to be associate judge, U.S. Circuit Court of Customs and Patent Appeals.

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

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Keystone Job Corps Center for Women under the Economic Opportunity Act of 1964, Drums, Pa., Office of Economic Opportunity, dated June 19, 1969, (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 under title II of the Economic Opportunity Act of 1964, Kansas City, Mo., Office of Economic Opportunity, dated June 19, 1969 (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 problems arising from the manner and extent to which Federal funds are granted for State highway safety programs, Federal Highway Administration, Department of Transportation, dated June 19, 1969 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

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

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

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota.

By Mr. JACKSON, from the Committee on Armed Services:

Haakon Lindjord, of Washington, to be an Assistant Director of the Office of Emergency Preparedness.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Spencer J. Schedler, of New York, to be an Assistant Secretary of the Air Force; and

J. Ronald Fox, of Massachusetts, to be an Assistant Secretary of the Army.

Mr. THURMOND. Mr. President, from the Committee on Armed Services I report favorably the nominations of 86 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Brig. Gen. William H. Booth, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. John C. Baker, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Laurence B. Adams, Jr., and sundry other Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army;

Brig. Gen. John R. Carson, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Maj. Gen. Patrick Francis Cassidy, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Col. Manley Glenn Morrison, U.S. Army, for appointment in the Regular Army of the United States, in the grade of brigadier general;

Maj. Gen. Henry Augustine Miley, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Brig. Gen. Hal Bruce Jennings, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), for appointment as the Surgeon General, U.S. Army, and for appointment to the grade of lieutenant general;

Maj. Gen. Arthur William Oberbeck, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Lt. Gen. Richard G. Weede, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Frederick E. Leek, U.S. Marine Corps, for commands and other duties determined by the President; for appointment to the grade of lieutenant general while so serving; and

John D. Chase, and sundry other officers, for promotion in the U.S. Navy.

Mr. THURMOND. Mr. President, in addition to the above I report favorably 1,790 promotions and appointments in the Army in the grade of colonel and below; 339 appointments in the Navy in the grade of lieutenant commander and below; and 3,743 promotions in the Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Charles E. Abbey, and sundry other officers, for promotion in the Regular Air Force;

Arthur L. Freeman, and sundry other officers, for promotion in the Regular Army of the United States;

Charles Feuerbacher, for appointment in the Regular Army;

Michael E. Gillett, for appointment in the Regular Army;

Jimmie H. Akridge, and sundry other persons, for appointment in the Regular Army of the United States;

Tracy T. Cottingham, and sundry other scholarship students, for appointment in the Regular Army of the United States;

David A. Akerman, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

James A. Allphin, and Jerry W. Ford, graduates from Navy enlisted education program, for assignment in the U.S. Navy;

Wendell M. Oais, and sundry other enlisted personnel, for promotion in the U.S. Navy; and

Lt. (jg.) Robert S. Logan, and sundry other officers, for promotion in the U.S. Navy.

PETITIONS AND MEMORIALS

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

By The VICE PRESIDENT:

A concurrent resolution from the House of Representatives of the State of South Carolina; to the Committee on Banking and Currency:

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO INVESTIGATE THE RECENT INCREASE IN THE PRIME INTEREST RATE AND TO ENACT SUITABLE LEGISLATION TO CONTROL SUCH INTEREST RATE

"Whereas the cost of borrowing money soared to a new high Monday, June 9, 1969, when major banks across the country increased their prime lending rate to eight and one-half per cent; and

"Whereas an increase from the previous seven and one-half per cent high has been expected by some in the banking community

but the size of increase surprised and dismayed many; and

"Whereas this increase may possibly cause chaos throughout the economy of this country; and

"Whereas this increase will probably greatly curtail the building industry as well as many other facets of our economy: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized to investigate the recent increase in the prime interest rate and to enact suitable legislation to control such interest rate, be it further

"*Resolved*, That copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Clerk of the Senate of the United States and the Clerk of the House of Representatives of the United States.

"STATE OF SOUTH CAROLINA,
in the House of Representatives.
JUNE 10, 1969.

"I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives and concurred in by the Senate.

"INEZ WATSON,
"Clerk of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 11069. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes (Rept. No. 91-261).

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

S. 912. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado (Rept. No. 91-263).

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

S. 952. A bill to provide for the appointment of additional district judges, and for other purposes (Rept. No. 91-262).

SENATE RESOLUTION 213—INCREASING THE LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 213); which was referred to the Committee on Rules and Administration:

S. RES. 213

Resolved, That the Committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the legislative Reorganization Act, approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. GOLDWATER (for himself and Mr. FANNIN):

S. 2448. A bill to authorize the Secretary of the Interior to waive conditions in three patents issued to Prescott College, Prescott, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 2449. A bill for the relief of certain civilian personnel employed by the Navy Department, for expenses incurred incident to temporary duty performed at the Navy Yard, Philadelphia, Pa., in 1942; to the Committee on the Judiciary.

By Mr. DODD:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to provide an incentive for the establishment, expansion and improvement of apprenticeship programs by allowing an income tax credit for expenses of such programs attributable to classroom instruction by qualified instructors; to the Committee on Finance.

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

By Mr. PROUTY:

S. 2451. A bill to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. YARBOROUGH:

S. 2452. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other offices in the uniformed services; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. JAVITS, Mr. HART, Mr. SCOTT, Mr. KENNEDY, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. DODD, Mr. EAGLETON, Mr. FONG, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. TYDINGS, and Mr. YOUNG of Ohio):

S. 2453. A bill to further equal employment opportunities for American workers; to the Committee on Labor and Public Welfare.

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

By Mr. HART (for himself, Mr. JAVITS, Mr. SCOTT, Mr. KENNEDY, Mr. BROOKE, Mr. BAYH, Mr. CASE, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FONG, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 2454. A bill to provide improved judicial machinery for the selection of juries, and for other purposes;

S. 2455. A bill to authorize appropriations for the Civil Rights Commission and for other purposes; and

S. 2456. A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes; to the Committee on the Judiciary.

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

By Mr. HARTKE:

S. 2457. A bill to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease and for the conduct of training related to such programs; to the Committee on Labor and Public Welfare.

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

By Mr. HATFIELD:

S. 2458. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; and

S. 2459. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; to the Committee on Interior and Insular Affairs.

By Mr. MCGEE (by request):

S. 2460. A bill to provide for improved employee-management relations in the Federal services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EASTLAND:

S.J. Res. 125. Joint resolution to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties; to the Committee on the Judiciary.

(The remarks of Mr. EASTLAND when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2450—INTRODUCTION OF A BILL PROVIDING A TAX CREDIT FOR AN APPRENTICESHIP PROGRAM

Mr. DODD. Mr. President, I introduce for appropriate reference a bill designed to meet industry's demands for skilled labor by providing a tax credit for an apprenticeship program.

There is a critical shortage of manpower at both ends of the employment spectrum. At one end, engineers, scientists, and other skilled specialists and professionals are sorely needed.

At the other end, industry faces diminishing reserves of skilled tradesmen.

There are several reasons why the numbers of diemakers, carpenters, and ironworkers are waning.

More young people are going to college. Of those not college bound, military service interrupts orderly replacement programs in which they might participate. And, finally, industry has not yet made a large-scale attempt to recruit poverty-level Americans.

Industry demands more skilled labor. Unskilled labor demands better jobs. This bill which I introduce today meets those needs by providing a tax credit for the expenses of establishing an apprentice-job instructor program.

While there have been previous attempts to introduce analogous legislation, none has focused exclusively on an approved apprenticeship-instructor program. This bill is limited to a Depart-

ment of Labor approved apprentice-instructor program in which a tax credit is given to an employer, trade association, or combination of employer-union for the amount expended for instruction of the apprentice.

The credit is not allowable unless the participating business, association, or union-business association can show an acceptable number of job instructors are available. The job instructors will be volunteers who work with the apprentice and who have completed an approved course in teaching methods. The course must meet standards prescribed by the Secretary of Labor.

The job instructor is the key which distinguishes this bill from other legislation which has attempted to provide a tax credit to accelerate hiring. He is an older, interested counselor who wants to help his young fellow worker.

The phasing out of the Job Corps indicates that the administration and a majority of the Senate doubt the effectiveness of federally funded and administered job training programs.

This bill is an alternative. The private sector with its great resources and practical know-how, will have an incentive to recruit and train previously unskilled Americans.

At the same time it personally involves older Americans, immensely proud of their craft, in the worthy task of training and helping young people.

I hope it will be possible for the Senate to take prompt and favorable action on this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2450), to amend the Internal Revenue Code of 1954 to provide an incentive for the establishment, expansion, and improvement of apprenticeship programs by allowing an income tax credit for expenses of such programs attributable to classroom instruction by qualified instructors, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Finance.

S. 2452—INTRODUCTION OF A BILL TO EQUALIZE RETIREMENT BENEFITS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE

Mr. YARBOROUGH. Mr. President, I introduce a bill to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The commissioned corps of the Public Health Service is the oldest medical service of the Federal Government. It has a long and proud history and distinguished record of achievement. Its work of protecting and advancing national health, alleviating human suffering, guarding against the dangers of disease and improving and prolonging human life, started with the enactment of legislation to establish a Marine Hospital Service in 1789. In 1889, Congress officially established the commissioned corps along military lines, with titles and pay corresponding to Army and Navy grades. It then became one of our country's uniformed services.

An officer of the commissioned corps may serve in clinical medicine, epidemiological fieldwork, laboratory of clinical research, or public health administration. He could be assigned to Vietnam, to the Pribilof Islands in the Bering Sea, or to Africa—to a Coast Guard vessel, to Alaska, or to an Indian reservation. He is part of the Public Health Service team which has the ultimate responsibility of safeguarding the Nation's health.

The chief professional career officer for the commissioned corps is the Surgeon General, and incidentally, I was disappointed to hear of the planned retirement of the present Surgeon General, Dr. William H. Stewart. Dr. Stewart has performed admirably as Surgeon General, and I know he will be sorely missed by all those who have had the honor and privilege of working with him. I wish him every success in his new career as chancellor of Louisiana State University's Medical Center.

Mr. President, at the present time the Commissioned Corps of the Public Health Service is the only uniformed service whose members do not have available to them the same formula for computation of retired pay as do the other uniformed services. All other members of the uniformed services can use their years credited to them for basic pay purposes, before June 1, 1958—not to exceed 30 years—in computing retired pay. This credit is only applicable after an officer becomes eligible for retirement—that is, after 20 years of active duty. Passage of my proposal would correct a serious inequity and would accord commissioned officers of the Public Health Service a retirement benefit they rightfully deserve.

Similar legislation was introduced recently in the House of Representatives by Representative JOHN E. MOSS, H.R. 10138. In 1967 this legislation was recommended for enactment by the former Secretary of Health, Education, and Welfare, Mr. Wilbur J. Cohen, and cleared the Bureau of the Budget.

I ask unanimous consent that the bill and an explanation of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the explanation will be printed in the RECORD.

The bill (S. 2452) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

"(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205(a) of title 37, United States Code, on any date before June 1, 1958;".

SEC. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

The material furnished by Mr. YARBOROUGH follows:

EXPLANATION OF A BILL TO EQUALIZE RETIREMENT BENEFITS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE

Before June 1, 1958, commissioned officers of the military services retiring with less than 30 years of active service could use their years of service for basic pay purposes (not to exceed 30) in computing their retired pay. For example, an Army officer before entering on active duty in the regular component had four years of inactive service in the reserve component. After 26 years of active service he retired. At that time he had 30 years of service for basic pay purposes, 26 years of active service and four years of inactive service. Thus, this officer can use the 30 years of service for basic pay purposes multiplied by 2½% to compute his retired pay.

Under section 11(a) of Public Law 85-422 this formula for computing retired pay was modified to provide that officers could use the years of service for basic pay purposes with which they were credited on May 31, 1958. However, on and after June 1, 1958, only active service could be credited for the computation of retired pay, with the exception of physicians and dentists who are credited for retired pay purposes with the four or five years authorized for basic pay purposes under paragraphs (7) and (8) of section 205(a) of title 37, United States Code. This formula for computing military retired pay can be presently found in section 1405 of title 10, United States Code.

The formula for computing retired pay of Public Health Service officers which would be authorized under the bill is identical to the formula which is provided for military personnel under said section 1405.

As paragraph (1) of section 211(a) of the Public Health Service Act authorizes retired pay credit for each year of active service and as each year of active service performed before June 1, 1958, would also be credited under clause (iii) as proposed by the bill, it is necessary to reduce the number of years which would be authorized under clause (iii) by such years of active service in order to avoid dual crediting of the same period of service.

Moreover, the years of service proposed to be authorized under clause (iii) must be further reduced for those medical and dental officers who before June 1, 1958, were entitled to be credited for basic pay purposes with the four or five years which are authorized under paragraphs (7) and (8) of section 205(a) of title 37, United States Code and which are also authorized to be credited for retired pay purposes under clause (iii) of said section 211(a). Otherwise, a dual crediting of service would occur.

Section 2 of the bill would provide that the new formula for computing retired pay applies, if it results in greater retired pay, to officers retired before the date of enactment of the bill, but that such increases in retired pay would commence only with the month following the month in which the Act is enacted.

S. 2453—INTRODUCTION OF THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, Senator JAVITS, Senator HART, Senator SCOTT, Senator KENNEDY and 29 other Senators, I introduce a bill to strengthen and broaden the enforcement powers of the Equal Employment Opportunity Commission.

The goal of assuring equal employment opportunity for all our citizens was made a national commitment when Congress enacted title VII of the Civil Rights Act of 1964. Unfortunately, however, the machinery we created for achieving this goal was not in all respects equal to the commitment.

The deficiency in the 1964 act was that the Equal Employment Opportunity Commission, which was established to administer title VII, was not given the authority to issue judicially enforceable cease and desist orders to back up its findings of discrimination based on race, color, religion, sex, or national origin. Its authority in such cases has been limited to conciliation efforts.

As a consequence, unless the Department of Justice concludes that a pattern or practice of discrimination is involved, the burden of obtaining enforceable relief rests upon each individual victim of discrimination, who must go into court as a private party, with the delay and expense that entails, in order to secure the rights promised him under the law. Thus, those persons whose economic disadvantage was a prime reason for enactment of the equal employment opportunity provisions, find that their only recourse in the face of unyielding discrimination is one that is financially prohibitive.

A further consequence is that the Commission's lack of enforcement authority reduces its ability to achieve compliance through conciliation efforts. Obviously a respondent will be less willing to cooperate in arriving at a satisfactory resolution of a discrimination complaint when he knows that the Commission's power is merely exhortative. The experience of the Commission has substantiated this conclusion, for the fact is that its conciliation efforts have been unsuccessful in more than half of the cases in which it has found that discrimination has occurred.

Under this state of the law, the Government's guarantee of equal employment opportunity is not a credible one. It is, therefore, our inescapable responsibility to demonstrate to those to whom we have promised equal employment opportunity that our promise is backed by adequate enforcement provisions.

For this purpose, our bill provides the Equal Employment Opportunity Commission with the power to conduct administrative hearings and issue cease-and-desist orders should its conciliation efforts fail. Such orders would be enforceable in the U.S. courts of appeals, where suitable judicial review could be obtained. Similar procedures have long been available to other administrative agencies, and there is clearly no valid reason for any longer depriving this Commission of similar machinery for performing its assigned responsibilities.

The bill which we introduce today also contains other significant provisions. By extending the Commission's jurisdiction to include employers of eight or more employees, as well as to employees of State and local governments, it would insure the application of the national policy to substantial areas of employment which are now excluded. The bill would also consolidate equal employment opportunity efforts of the Federal Government. The Office of Federal Contract Compliance of the Department of Labor, and the equal employment opportunity activities of the Civil Service Commission, would be transferred to the Equal Employment Opportunity Commission. These provisions should serve to give effect to a unified national policy with respect to equal employment opportunity, while avoiding unnecessary duplication and overlap.

It is my hope that through this bill we will finally act to make the Commission a truly effective instrument for eliminating discrimination in employment and thereby fulfill our commitment to make this goal a reality for all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 2453), to further equal employment opportunities for American workers, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2453

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 "Equal Employment Opportunities Enforcement Act".

SEC. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(a) Strike "twenty-five" wherever it appears therein and insert in lieu thereof "eight".

(b) In subsection (a) insert "governments, governmental agencies, political subdivisions" after the word "individuals".

(c) In subsection (b) strike out "a state or political subdivision thereof" and insert in lieu thereof "the District of Columbia".

(d) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(e) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

SEC. 3. Subsections (a) through (d) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5, a–d) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law: *Provided,* That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested,

to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within 180 days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, that interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any findings or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceedings before the Commission, and thereupon shall have jurisdictioin of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (47 Stat. 70 et seq., 29 U.S.C. 101–115), shall not apply with respect to proceedings under subsection (k), (l), or (o) of this section.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the general counsel of the Commission.

"(c) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a) (2) thereof, shall govern proceedings under this subsection."

SEC. 4. (a) Subsections (e) through (k) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5, e–k) and references thereto are redesignated as subsections (p) through (v), respectively.

(b) In section 706(p), as redesignated by this section, strike out "permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance." and insert in lieu thereof the following: "permit the Commission to intervene in such civil action if the Chairman, with the approval of the Commission, certifies that the case is of general public importance.".

(c) Section 706(u), as redesignated by this section, is amended (1) by striking out "(e)" and inserting in lieu thereof "(p)", and (2)

by striking out "(i)" and inserting in lieu thereof "(q)".

SEC. 5. Section 707 of the Civil Rights Act of 1964 (78 Stat. 261; 42 U.S.C. 2000e–6) is amended to read as follows:

"FURNISHING RECORDS

"SEC. 707. Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission nor its representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

SEC. 6. Sections 709 (b), (c) and (d) of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8 (b)–(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation of order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulation or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

SEC. 7. Section 710 of the Civil Rights Act of 1954 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"SEC. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455, 29 U.S.C. 161) shall apply: *Provided*, That no subpoena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

SEC. 8. (a) Section(a) (2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a) (2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c) (2) of such Act (78 Stat. 255; 42 U.S.C. 2000e–2(c) (2)) is amended by inserting the words "or applicants for membership" after the word "membership".

(c) Section 703(h) of such Act (78 Stat. 257; 42 U.S.C. 2000e–2 (h)) is amended by striking out "to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin" and inserting in lieu thereof the following: "to give and to act upon the results of any professionally developed ability test which is applied on a uniform basis to all employees and applicants for employment in the same position and is directly related to the determination of bona fide occupational qualifications reasonably necessary to perform the normal duties of the particular position concerned: *Provided*, That such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin."

(d) (1) Section 704(a) of such Act (78 Stat. 256; 42 U.S.C. 2000e–3(a)) is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(e) (1) The second sentence of section 705(a) (78 Stat. 258; 42 U.S.C. 2000e–4(a)) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: *Provided*, That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362 and 7521 of title 5, United States Code."

(f) Section 705(g) (1) of such Act (78 Stat. 258; 42 U.S.C. 2000e–4(g) (1)) is amended by inserting at the end thereof the following: "and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))".

(g) Section 705(g) (6) of such Act (78 Stat. 259; 42 U.S.C. 2000e–4(g) (6)) is amended to read as follows:

"(6) to direct its general counsel to intervene in a civil action brought by an aggrieved party under section 706."

(h) Section 706(g) of such Act (78 Stat. 259; 41 U.S.C. 2000e–4(g)) is amended by striking out the period at the end of paragraph (6) thereof and inserting a semicolon and by adding at the end thereof the following new paragraph:

"(7) to accept and employ or dispose of in furtherance of the purposes of this title any money or property, real, personal, or mixed, tangible, or intangible, received by gift, devise, bequest, or otherwise."

(i) Section 713 of such Act (78 Stat. 265; 42 U.S.C. 2000e–12) is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i) and (k) of section 706, the rule-making power as defined in subchapter II of

chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided*, That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(j) Section 714 of such Act (78 Stat. 265; 42 U.S.C. 2000e–13) is amended by striking out "section 111" and inserting in lieu thereof "section 111 and 1114".

(k) Section 715 of such Act (78 Stat. 265; 42 U.S.C. 2000e–14) is amended to read as follows:

"SEC. 715. All authority, duties and responsibilities now vested in the Secretary of Labor relating to nondiscrimination in employment by government contractors and subcontractors and nondiscrimination in Federally assisted construction contracts are transferred to the Equal Employment Opportunity Commission."

SEC. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(53) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

SEC. 10. Sections 706 and 710 of the Civil Rights Act of 1964, as amended by this Act, shall not be applicable to charges filed with the Commission prior to the effective date of this Act.

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new sections:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia Government covered by the Civil Service Retirement Act shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice given under subsection (b), the employee or applicant for employment, if aggrieved by the final disposition of his complaint, may file a civil action as provided in section 706 (p), as redesignated by this title, in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 706 (p) through (v), as redesignated by this title, as applicable, shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Bureau of the Budget determines relate to nondiscrimination in Government employment are transferred to the Equal Employment Opportunity Commission.

"EFFECT UPON OTHER LAW

"SEC. 718. Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

SEC. 12. Section 8(k) and section 11 of this Act shall become effective ninety days after the date of enactment of this Act.

Mr. JAVITS. Mr. President, I am pleased to join with the Senator from New Jersey (Mr. WILLIAMS), who is the distinguished chairman of the Subcommittee on Labor, in sponsoring a bill to give the Equal Employment Opportunity Commission the power to enforce, by way of cease-and-desist orders, the guarantee of equal employment opportunity contained in title VII of the Civil Rights Act of 1964. The bill introduced today is in many respects similar to S. 3465, the bill reported out of the Committee on Labor and Public Welfare last year. That bill, unfortunately, was not called up for action by the Senate. This year I am hopeful that the Committee on Labor and Public Welfare will complete its consideration of the bill promptly and in time for the Senate to act during this session of Congress.

This bill is a piece of unfinished national business. In title VII of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established a commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had agreed to strip the Commission of any effective power to enforce the act. Thus, under present law if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who was the subject of the unlawful discrimination to institute his own lawsuit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

As a result of lawsuits brought by private parties and the Justice Department under present law, several important victories have been won in the courts. Accordingly, I believe that it would be unwise for us to eliminate entirely the right of private litigants to institute their own lawsuits to redress violations of the act. Yet lawsuits cannot be expected to take the place of effective governmental enforcement of the provisions of title VII.

I am, therefore, in full accord with the provisions of the bill introduced today which would give the Commission cease-and-desist order power similar to that given to the National Labor Relations Board, but would also preserve the right of private parties to institute their own actions. I am also in favor of the provisions of the bill which would expand the coverage of title VII to the employees of State and local governments. A similar expansion of coverage was included in S. 1667, the bill I sponsored in the last Congress, but I was not successful in having these provisions incorporated in S. 3465, the bill reported out last year by the Committee on Labor and Public Welfare. Had the bill been taken up, I intended to offer an amendment bringing State and local government employees under the act; and I ask unanimous consent that my individual views concerning this questiion, which were printed as part of the committee report last year, be reprinted in the RECORD.

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

SUPPLEMENTAL VIEWS OF MR. JAVITS ON S. 3465

This bill would close a wide gap in title VII of the Civil Rights Act of 1964. That act established, in principle, that discriminatory employment practices were unlawful, but failed to implement the national commitment to the ideal of equal employment opportunity by providing effective enforcement procedures. This bill, by giving the Equal Employment Opportunity Commission the power to issue cease-and-desist orders, would rectify the weakness in present law.

There is, however another gap in existing law which is not closed by the bill as reported out by the committee. Title VII of the Civil Rights Act of 1964 does not cover discrimination by States or local governments. While discrimination in employment by those agencies is clearly forbidden by the 14th amendment, under this bill, individual lawsuits would remain the only method of redressing discriminatory employment practices by a State or local government. To meet this problem I offered an amendment to the bill which would have made it an unlawful employment practice for a State or political subdivision thereof to engage in discriminatory employment practices and which would have permitted the Attorney General to institute an action against any State or political subdivision which followed an unlawful discriminatory employment policy. The purpose of this amendment is simply to lift the burden of redressing clear violations of the 14th amendment, in this case in the area of employment practices, off the shoulders of the individuals directly affected. The amendment was not novel, for the Congress has already authorized the Attorney General to institute actions against State or local governments guilty of other types of violations of the 14th amendment, such as discriminatory voting practices or maintaining segregated educational systems.

Unfortunately, by a vote of 9 to 7 the committee voted to table my amendment. I do not believe that the matter should be allowed to rest there; hence, I propose to offer the amendment when the bill is considered on the floor of the Senate.

There can be no doubt of the need for this amendment. The principle of the amendment has been endorsed by the staff director of the U.S. Civil Rights Commission and the com-

mittees on Federal legislation and labor and social security legislation of the association of the bar of the city of New York.

Thus, William L. Taylor, the staff director of the Civil Rights Commission, testifying before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on August 14, 1967, stated with reference to the need for bringing State and local government employers under the Civil Rights Act:

It is important to bring State and local government employment within the coverage of the Federal law for other reasons as well.

First, discrimination in employment by State and local governments is clearly in violation of the 14th amendment to the Constitution of the United States. It is anomalous to exempt from the coverage of legislation aimed at discrimination in employment the category of discrimination which is directly in violation of the Constitution.

Second, equal opportunty in public employment contributes to making government more responsive to the needs and interests of all groups in the population. The Federal Government, also, has a strong interest in seeing that this is done at the State and local governmental level inasmuch as large amounts of Federal financial assistance are administered by State and local public agencies.

Similarly, the Association of the Bar of the City of New York Committee on Federal Legislation stated in its report published in the April 1966 issue of the association bulletin:

Title VII exempts from its coverage both the United States and States or political subdivisions thereof. We are of the opinion that governmental institutions, above all others, ought to be prevented from discriminatory employment practices of the type covered by the act. Similarly, the exemption from the act of employment agencies of the United States and State and local governments (other than the U.S. Employment Service and the system of State and local employment services receiving Federal assistance, which are covered by the act) appears to us to be singularly inappropriate.

We believe that Congress should enact appropriate statutory measures to make the substantive rule of fair employment applicable to these governmental units. If, in the interest of harmonious Federal-State relations, it should be deemed undesirable, for example, to give the Federal Commission direct enforcement authority over other governmental units, other appropriate means are available to Congress, such as, for example, a provision for a court action to be brought either by the Commission or the Attorney General.

Several of the witnesses who testified on S. 1308 also stressed the need for providing an effective remedy against discrimination by State or local government units (hearings, p. 198).

It is thus clear that a strong case for my amendment has been made.

JACOB K. JAVITS.

Mr. JAVITS. Mr. President, today's bill includes several other very important provisions not included in S. 3465 last year. I refer to provisions bringing employers with eight or more employees under the act—present law covers only employers with 25 or more employees—and provisions which transfer the functions of the Office of Federal Contract Compliance and the Civil Service Commission with respect to equal opportunity for employees of Federal contractors, and the Federal Government itself, respectively, to the EEOC. These provisions are fine, in principle; the manner in which the Federal contract compliance program has been run so far certainly leaves much still to be done; nor has the Civil Service Commission been completely successful by any means in reducing the discrimination still practiced in many Government agencies. Giving direction and control of these programs to one agency could result in much more effective programs as well as much less overlap, duplication, and confusion for those who are required to comply with the law.

What concerns me is that this potential improvement can be realized if, and only if, the Commission is given sufficient funds to do the job. Unfortunately, the record so far does not provide reasonable assurance that that will be the case. Right now, without enforcement power, and without responsibility for the Federal contract compliance program or the program to end discrimination among Federal Government employees, the Commission is staggering under a backlog of cases. The backlog is such that it presently takes about 18 months to 2 years for the Commission to finally dispose of a case after a charge is first filed.

Under these circumstances if the Commission is given additional authority, without additional resources to carry out its responsibilities for title VII of the Civil Rights Act, the Federal Government's commitment to equal employment opportunity will become a farce. I note, in this connection, that the chairman of the Commission, William Brown, is entirely in accord with the position I have stated. Thus, two of the questions propounded to Chairman Brown by Senator KENNEDY in connection with the hearing to confirm his nomination, went into the possibility of switching the functions of the Office of Federal Contract Compliance to the EEOC. The questions, and Chairman Brown's answers were as follows:

Q. What would be your reaction to switching the Office of Federal Contract Compliance to the EEOC?

A. I would be in favor of switching the OFCC to the EEOC if, and only if, we were to have the enforcement powers that go along with that office as well as having the very substantial staff and budgeting which would be required.

Q. If it were transferred, do you feel that the EEOC would need massive new staff and budget?

A. Absolutely.

I expect that these questions will be gone into in further depth when hearings are held on this important legislation. Moreover, I want to emphasize my complete support for the principle of giving the Commission cease and desist order power. Despite the progress that has been made in recent years, discrimination in employment is still pervasive in the United States; over 15,000 cases were filed with the Commission last year. It should be perfectly obvious that we are not really going to make the decisive impact on this problem unless and until employers and even any unions involved in practicing discrimination understand that the Federal Government is just not going to tolerate it, and that the Government has the power and is willing to give and to implement the authority to stop it.

Mr. KENNEDY. Mr. President, I am pleased to join as a cosponsor in the newest version of the Equal Employment Opportunity bill because I believe that it is an attempt to provide a realistic and reasonable route for giving the Equal Employment Opportunity Commission the powers it needs.

I am, however, concerned that the present draft may give to the already overburdened Commission new powers, responsibilities, and jurisdiction, many of which are now located elsewhere in the Government, to which it could not possibly do justice without a massive infusion of new staff and financial resources. If the EEOC is to assume the duties of the Civil Service Commission's office of equal employment, the Labor Department's Office of Federal Contract Compliance, and the Department of Justice Civil Rights Division's employment functions, is to receive new jurisdiction over companies with 8 to 24 employees and State and local governments, and is to receive cease and desist powers, the presently inadequate budget of $9 million is going to become miniscule in comparison to need. Thus in our deliberations in committee we will be most interested in seeing what kind of commitment the administration is willing to make in terms of funding the new EEOC.

Unless there is assurance from the responsible agency, civil service, and budget officials than an adequate money request will be made, and that adequate staff positions at the required levels will be made available, then we would be doing the Commission a disservice by burdening it with all these new obligations. It needs cease and desist powers to do its present tasks properly, and if it were able to fulfill only this responsibility completely, we would have an improvement over the status quo. But to give it so much to do that its resources would be insufficient to undertake any of its functions successfully would be a betrayal.

Obviously a commitment from the administration is worthless without some sign of commitment from the Congress, and for that reason I think the bill ought to include an authorization level which demonstrates the range of funding that we believe is appropriate for the new duties of EEOC. Subject to further facts, I would not think that $50 million the first year, $75 million the second, and $100 million the third with an open-end authorization after that, would be out of line.

Certainly one of the priority goals for all of us is to assure that every American can not only get a job, but also that he can get the best job to which his abilities entitle him. That is the purpose of this bill, and that is why we must move immediately to secure its passage.

S. 2454, S. 2455, S. 2456—INTRODUCTION OF CIVIL RIGHTS LEGISLATION

Mr. HART. Mr. President, I introduce, for appropriate reference, three bills, each of which is a title of S. 2029, the Omnibus Civil Rights Act of 1969.

The first is to insure that litigants in State courts are guaranteed that juries

are selected without discrimination as to race, creed, color, sex, national origin, or economic status.

The second removes the ceiling on appropriations for the Civil Rights Commission. The existing law limits any future appropriation to the 1968 figure.

The third bill extends the Voting Rights Act of 1965 until 1975. Without the extension, States would be free after August 1970 to reimpose restrictive voting practices.

A fourth title of S. 2029 which deals with Equal Employment Opportunities Enforcement is being introduced in amended form by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS). I am happy to cosponsor that bill.

Cosponsors of the three bills which I am introducing include Mr. JAVITS, Mr. KENNEDY, Mr. SCOTT, Mr. CASE, Mr. BAYH, Mr. BROOKE, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FONG, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 2454), to provide improved judicial machinery for the selection of juries, and for other purposes; (S. 2455), to authorize appropriations for the Civil Rights Commission and for other purposes; and (S. 2456), to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes, introduced by Mr. HART (for himself and other Senators), were received, read twice by their titles, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 125—INTRODUCTION OF A JOINT RESOLUTION TO LIMIT JURISDICTION WITH RESPECT TO ACTIONS AGAINST THE CONGRESS, EITHER HOUSE THEREOF, ANY COMMITTEE THEREOF, AND MEMBERS AND EMPLOYEES THEREOF, ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES

Mr. EASTLAND. Mr. President, the Supreme Court of the United States on Monday of this week handed down a decision challenging the right of one of the two Houses of the Congress to be the judge of its own membership. The prerogatives of the Senate, in this regard, are just the same under the Constitution as the prerogatives of the other Body. The Senate, therefore, cannot afford to allow this arrogation of power by the Supreme Court to itself to pass unnoticed.

Furthermore, the Supreme Court used language, in its decision in the Powell case, which amounts to an attempt to assert a general rule that officers and employees of either House of the Congress may be sued in their individual capacity for acts performed within the scope of their official duty. This, too, must be challenged because if we cannot protect our employees in carrying out their official duties, we cannot function effectively as a legislative body.

For these reasons, Mr. President, I introduce for appropriate reference a joint resolution to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 125) to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties, introduced by Mr. EASTLAND, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 1933

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of the bill (S. 1933) providing for Federal railroad safety.

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

S. 2225

Mr. AIKEN. Mr. President, some time ago I introduced, on behalf of the Senator from Nebraska (Mr. CURTIS), the Senator from Florida (Mr. HOLLAND) and myself, a bill (S. 2225) to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes.

I ask unanimous consent that, at its next printing, the name of the Senator from Alabama (Mr. ALLEN) be added as a cosponsor of the bill.

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

NOTICE OF HEARINGS

Mr. BIBLE. Mr. President, I wish to announce that hearings on the following bills have been scheduled before the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs at 10 a.m. Tuesday, June 24, 1969, in room 3110, New Senate Office Building:

S. 89 to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smokey Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes.

S. 1686 relating to age limits in connection with appointments to the U.S. Park Police.

Anyone interested in testifying should advise the committee staff.

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:

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years, vice Gilbert S. Merritt, Jr., resigned.

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years, vice James E. Byrne, Jr., resigned.

James M. Sullivan, Jr., of New York, to be U.S. attorney for the northern district of New York for the term of 4 years, vice Justin J. Mahoney, resigning.

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 Thursday, June 26, 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.

NEW TECHNOLOGY IN THE OCEANS

Mr. MAGNUSON. Mr. President, the Navy this year recognized the major role of Seattle and the Pacific Northwest in ocean engineering and scientific advancement for defense when it held its Sixth Annual Symposium on Military Oceanography at the Seattle Center Playhouse.

Six hundred of the continent's outstanding oceanographers attended the symposium, held May 26, 27, and 28, at the invitation of Rear Adm. O. D. Waters, Jr., oceanographer of the Navy.

Dr. J. E. Henderson, director of the Applied Physics Laboratory, University of Washington, was the official host.

"New Technology in the Oceans" was the symposium theme and all sessions were closed with security clearance required of those attending since many of the presentations were classified. Classification did not apply, however, to Admiral Waters' opening remarks, to the noon luncheon addresses, or to the comments of session chairman, who included the three assistant oceanographers of the Navy. These were:

Rear Adm. T. B. Owen, Chief of Naval Research, a native of Seattle, who attended the public schools there and the University of Washington, and whose mother still resides in that city.

Rear Adm. A. S. Goodfellow, Deputy Chief of Naval Material, which has close connections with the Applied Physics Laboratory.

Capt. Edwin T. Harding of the Naval Weather Service Command.

Particular emphasis at the symposium was for the first time, placed on arctic research.

Presentations, accompanied by film, on varying aspects of this research were made by Mr. Allen R. Milne, Defense Research Establishment, Pacific, Victoria, British Columbia, operated by the De-

fense Research Board of Canada; Dr. Waldo K. Lyon, Naval Undersea Research and Development Center, San Diego; Dr. J. B. Hersey, director, Maury Center for Ocean Sciences, Washington; Dr. K. L. Hunkins, Lamont-Doherty Geological Observatory of Columbia University; and others.

Admiral Waters noted, in his address, that emphasis of the Office of Oceanography during the coming year will be placed on deep submergence, biomedicine, and deep ocean technology.

Luncheon speakers at the symposium were Dr. Dixy Lee Ray, director of the Pacific Science Center, and Dr. Lauren R. Donaldson of the University of Washington.

Mr. President, I ask unanimous consent that the address of Admiral Waters, delivered at the opening of the Sixth Annual Symposium on Military Oceanography, on May 26, in Seattle, and entitled "State of the Navy in Oceanography," be printed in the RECORD.

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

STATE OF THE NAVY IN OCEANOGRAPHY

(Opening remarks by Rear Adm. O. D. Waters, Jr., oceanographer of the Navy, at the Sixth Annual Symposium on Military Oceanography, Seattle, Wash., May 26, 1969)

Mr. Chairman: It is a pleasure, though somewhat astounding to see this many eminent oceanographers gathered at one time in one place for a three day brain-picking session.

Oceanographers as a class are surely the world's greatest travelers and meeting attenders. But as trained environmentalists they have a tendency to be pretty selective about their traveling. Except where duty assignments are involved you are not likely to find an oceanographer in the Arctic Circle in the wintertime or in Florida in the middle of the summer. Too smart for that.

Take our host, Dr. Henderson, for example. Last I heard of him he was in La Spezia, Italy. An excellent springtime selection.

But come to think of it, Seattle is also noted as a very pleasant place to visit and I am sure that everyone of you will enjoy your short stay here.

If you do, give the lion's share of the credit to Joe Henderson and his staff at the Applied Physics Laboratory of the University of Washington. They have worked hard and well to organize both our working sessions and our leisure time activities.

I was going to put in a reference here to Seattle as the Oceanographic Capital of the Country. Truth is, I'm afraid my remarks might get back to friends of mine in San Diego, or Honolulu, or Norfolk or Miami. They all claim the same title.

Now since the subject assigned to me is "The State of the Navy in Oceanography" I will start with a few words on the State of the Nation.

A while back as you know the National Council on Marine Resources and Engineering Development was established by Congress to provide an organizational framework and increased momentum to marine science activities. The Council's Chairman is the Vice President.

In addition, the Commission on Marine Science, Engineering and Resources was established to make a study and recommend a permanent organization and a national marine science program. Their report is now before the Congress.

Let me read a short quotation from the report—

"Because instabilities in the world situation cannot be remedied quickly, military power will continue to be a central factor in world affairs. As naval technology increases, the depth and variety of undersea operations require detection systems of ever increasing power and complexity. Today's advances in military undersea advances in military undersea technology forecast an increasingly important role for U.S. defense and deterrence capabilities in the global sea. As the uses of the sea multiply, the Navy's defense mission will be complicated by the presence of structures, vehicles, and men. The resulting problems can be resolved only by the closest cooperation between civil and military users of the sea. Furthermore, military and civil science and technology for undersea operations can and should be mutually supporting, emphasizing the need for cooperative action."

"The Commission believes strongly that the Nation's stake in the uses of the sea requires a U.S. Navy capable of carrying out its national defense missions anywhere in the oceans, at any desired depth, at any time."

These two paragraphs and others I could quote indicate that the Commission had a clear understanding not only of the role of naval oceanography in national defense but of the importance of close cooperation between the Defense Department and whatever central civilian agency Congress might set up as a result of the report.

Additional effort by another agency would be welcome. But the important thing is that the programs be constructed to complement each other and so avoid duplication of effort at the taxpayers expense. As recognized by the Commission, we cannot of course abdicate our responsibilities, for the sea is our natural operating environment and the nation will accept no excuse if we fail to maintain an adequate security posture.

To us oceanography is merely a means to an end. Our efforts in this field account for more than one-half of the entire Federal program. The budget we have submitted for Fiscal Year 1970, which starts a few days from now comes to $278 million dollars.

When I mention dollar figures I should say that these are not just handed to us by people who think oceanography is a great thing. Every program fights its way through the budget cycles in competition with all other Navy efforts.

As the Navy's Oceanographer I have three double-hatted assistants whose authority in their primary jobs extends into wide areas of the naval establishment. These assistants are the Chief of Naval Research, the Deputy Chief of Naval Material for Development and the Commander of the Naval Weather Service.

Under these three Assistant Oceanographers plus myself as my own deputy for operations we have divided our program into three broad areas for management purposes. These areas are Ocean Science, Ocean Engineering and Development and Oceanographic Operations.

Under the Ocean Science Program our goal in this area is to advance our knowledge of the physical, chemical, biological and geological nature of the world's oceans and their bottom and surface boundaries. The program, which is requested at $60 million dollars this year, concentrates on research projects in support of high priority operational requirements. So there is considerable emphasis on underwater acoustics, oceanographic prediction and geophysics as they are related to submarine, and antisubmarine and amphibious warfare.

We are developing methods of predicting sound behaviour and thermal structure changes in the ocean by study physical, chemical and biological processes. The effort includes the study of ocean circulation, air-sea interactions and internal waves.

Geophysics research is concentrated mainly on understanding the bottom and the sediment and rock below it as they relate to sound reflection and hence the operation of our sonar systems.

In Marine Biology of our work is directed toward understanding the habits of various types of marine life which can degrade the performance of our equipment. A major concern is the deep scattering layer which masks submarine echoes.

The Ocean Science Program is carried out by academic and nonprofit institutions, industrial plants and our own Navy laboratories throughout the country. The University of Washington is a major performer in this program.

There are about a thousand scientists and a great variety of facilities involved in the program. Facilities include thirty-four ships, a variety of deep submersibles, stable platforms for work in deep water, monster buoys, airplanes, satellites and even ice islands.

Now a few words about Ocean Engineering and Development which is in the Fiscal 1970 budget at $102 million. This is our newest and fastest growing program and it is being developed in seven major areas:

1. Undersea search and location.
2. Submarine rescue and escape.
3. Salvage and recovery.
4. Diving.
5. Survey.
6. Environmental prediction.
7. Underwater construction.

We are having to build a broad base of new technology to provide these expanded capabilities. The technology base has been divided, for administrative purposes, into functional areas such as energy sources, materials and structural analysis, environmental support, sea floor engineering and so on.

The efforts involved in this Engineering program are well known to most of you here. The underwater search and location program involves a 20,000 foot vehicle in addition to unmanned devices.

Work on a fuel cell power plant is underway.

In Submarine Escape and Rescue we are putting our chips on a Deep Submergence Rescue Vehicle—DSRV for short. The contractor will deliver the first of these vehicles for testing late this summer. It will be transportable by air, surface vessel or submarine. These systems will permit us to respond quickly to the need to rescue personnel from any submarine bottomed above its crush depth.

Another remarkable vehicle in this program is the recently launched NR–1. This is a small nuclear powered submersible capable of sustained operations and we expect it to be a very valuable platform for undersea research. It will not go as deep as the DSSV I mentioned, but it will stay down till the crew tires out.

Our Salvage and Recovery efforts are aimed at developing the ability to raise objects the size of a submarine hull from depths down to 850 feet.

The Salvage program, in turn, is dependent on our Man-in-the-Sea program which includes the development of improved deep diving techniques. The Navy has pioneered in diving and developed the technique of saturation diving. As you know we have had recent difficulties. However we cannot give up on this. It is too important both to the Navy and to the private sector of our country. We intend to pursue Man-in-the-Sea to completion in order to give our operating forces the hardware and techniques they require for accomplishing useful work by divers to depths of 1,000 feet or more. Biomedical knowledge is critical here and we are working hard at it.

Underwater construction also is dependent to a great extent on the work being done in the diving and vehicle areas and these programs are all being pushed along together.

The broad base of support for the Engineering program comes from Navy laboratories, industry and universities. Seventy percent of the money goes to private industry.

The overall objective of the program is to give us the ability to operate at any place and at any time within the oceans in support of our defense mission.

Our third and largest program area is Oceanographic Operations. It is at the $116 million level in Fiscal 1970. The work is carried out through the Oceanographer's largest field activity, the Naval Oceanographic Office and through the Commander of the Naval Weather Service Command acting as Assistant Oceanographer for Environmental Prediction Services.

This program consists of oceanographic and hydrographic surveys in all ocean areas and the dissemination of data to provide environmental information, forecasts, charts and publications to support such operations as Vietnam, POLARIS, ASW, Mine Warfare, Amphibious operations and fleet activities in general. Our charts and other publications are also supplied to the merchant marine, statuatory responsibility we have held since the early 1800's.

There is not time to even highlight Navy's efforts here. There are our coastal surveys in Far East waters and in the Mediterranean. Our deep ocean surveys result in the collection of hundreds of thousands of track miles of precise bathymetry, gravity, geomagnetic and sub-bottom seismic data annually.

Since our last Symposium, a year ago, we have, to mention first a few items:

Completed our hydrographic surveys along the coast of South Vietnam.

Conducted almost one-half million miles of deep ocean bathymetry and geophysical data collection.

Conducted a major underwater acoustic experiment in the Pacific called PARKA I. This was part of a continuing and broader project designed to establish the environmental factors which control long range sound transmission.

Flown 200,000 miles of geomagnetic surveys.

Launched the NR–1, the nuclear propelled submersible I mentioned earlier.

Launched the Sea Cliff and Turtle, two new ALVIN-type deep research vehicles with 6500 foot depth capabilities.

Let the contract for our first catamaran hull research ship, to Todd Shipyard here in Seattle.

Taken delivery on two new survey and two new research ships.

Looking ahead to Fiscal Year 1970 I can think of these items:

We will have two new ships ready to turn over to universities in support of Navy's science program, and our four ships delivered in 1969 will commence operational surveys and support of Navy laboratory research here on the West Coast.

Our nuclear submersible will commence its shakedown, which will include scientific cruises, and we will launch our first two DSRVS.

If all goes well with our funding request to the Congress, we will procure a new aircraft to replace our two old ones engaged in airborne magnetic surveys.

And we will receive our first funding for our newly established National Oceanographic Instrumentation Center. This center uses an existing Navy facility and will expand to provide instrument development and reliability reference services, test and evaluation data and caliberation facilities for industry and non-military Federal agencies.

Our newly deveolped unmanned recovery vehicle CURV III, a 7000' version of the device which recovered the unarmed nuclear weapon off Palomaris, will become operational.

In the present financial climate we can hope for only a minimum of new starts. In fact the only significant increase in program dollars will go to the development of a DSSV, a deep submergence vehicle designed to do many useful tasks down to a depth of 20,000 feet.

In general our emphasis in the coming year will be on Deep Submergence, Biomedicine and Deep Ocean Technology.

This is about all I can tell you in the time allotted me. The rest you can get from the experts assembled here.

I will conclude by inviting you all to the 7th Symposium on Military Oceanography to be held at the U.S. Naval Academy on 12, 13 and 14 May 1970. Your host will be the Naval Ship Research and Development Center.

Annapolis can also be a pleasant place in the Spring.

NEWSWEEK MAGAZINE WRITES ABOUT S. 9—COMPENSATION TO INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, pending before the Committee on the Judiciary is my bill, S. 9, to establish a Commission To Compensate Innocent Victims of Crime. I view this matter—compensating victims of crime as well as punishing criminals—as one of highest importance; that is why I have been seeking action on my proposal since I first introduced it in 1965.

I am happy to note an article entitled "Help for the Victim," published in Newsweek magazine of June 23, 1969. This fine article serves to underscore the need for favorable action on the bill to provide aid to the innocent victims of crime. There is one error in the article. My bill covers only the District of Columbia and certain other federally administered territory. This error in jurisdiction does not detract from the entire article, however, and I urge Senators to read it.

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

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

HELP FOR THE VICTIM

On a balmy Monday evening in May of 1963, a middle-aged garmentworker named Sam Wasserstein parked his car on a Brooklyn street and strolled toward a store to buy some cigarettes. The street was both brightly lit and busy, so Wasserstein didn't sense anything menacing about the three young boys loitering at the end of the block. "Hey mister," called one boy as the man passed. "You gotta nickel?"

Wasserstein paused and, looking down at the pavement, dug into his pocket. At that instant the boy whipped out a .38-caliber revolver and, for no apparent reason, fired point-blank at his head. The bullet ripped into Wasserstein's left temple, passed behind his eye and lodged against his nose—rendering him permanently blind. "The lights went out forever the instant the bullet struck my eyes," he recalls.

The unprovoked attack left the 54-year-old family man virtually helpless, unable to find work, miserably dependent on the earnings of his wife and the charity of his eldest son. At the suggestion of a lawyer, however, Wasserstein took an original step. Since his 15-year-old assailant had just been released on parole after three years in and out of New York training schools, Wasserstein slapped the state with a $1.5 million suit charging negligence in the youth's supervision. Last year the Court of Claims awarded him $110,000, but three weeks ago an appellate court reversed the decision. That left Wasserstein exactly where he had been—blind, broke and bitter. "All the state gave me was a cane and a Braille wrist watch," he says. "In my opinion, anybody who is mugged and maimed should be compensated."

A growing number of lawyers and legislators agree. In their view, it doesn't require an acute social consciousness to recognize that society today takes better care of the criminal than the victim. Following a criminal's apprehension, the state assumes his food, clothing and housing needs, provides him with free hospitalization and psychiatric treatment and may even throw in some form of vocational training.

Meanwhile, his hapless victim can only collect reimbursement for his medical bills, lost wages or psychological damage by suing the crimnial—a process of dubious value since few criminals possess the means to satisfy such judgments (one reason why they become criminals). The paradox raises an interesting question: if personal protection is one of the obligations of a tax-levying society, does society also incur the responsibility to compensate the victim when that obligation has been faultily discharged?

CUES

Five states, at least, seem to think so. Over the past few years, New York, California, Maryland, Massachusetts and Hawaii have taken cues from an aid-to-victims program in Great Britain and adopted similar forms of compensation for victims of violent crimes (the New York bill was passed three years too late for Sam Wasserstein to benefit).

Similarly, Sen. Ralph Yarborough of Texas has introduced a bill calling for the creation of a Federal Violent Crimes Compensation Commission which, upon approving the claims of such victims, would provide up to $25,000 in assistance. The requirements would be similar to those for insurance claims—proof of actual loss from medical bills, diminished earning power and/or "pain and suffering." "Our major resources center upon the act of the criminal," says Yarborough. "Surely we owe as much assistance and concern for the victim."

The major political roadblock to such legislation lies in the geographical distribution of crime. In rural areas, the number of violent crimes committed in 1967 totaled 20,255; in cities, the figure soared to 285,662—more than a tenfold difference. Accordingly, states with small metropolitan populations and little crime are reluctant to help foot the compensation bill for the big-city states under Yarborough's proposal. Then there are those who contend that government bears neither a direct nor implied liability for personal injuries caused by the acts of others. The role of Good Samaritan, they argue, belongs to private groups.

Granted, certain segments of the private sector will leap to the aid of certain victims. Last month, for example, a Detroit policeman died from a bullet wound inflicted while he was scuffling with a motorist he had stopped for running a red light. Almost overnight, a publicity-shy group of wealthy Detroiters known as the 100 Club quietly took over the financial problems of his widow and two young daughters. Three days after the slaying, they presented the widow with a $1,000 check. The 100 Club will also pick up the mortgage on the family's home and all debts—and set up a trust fund for the children's education.

But for the overwhelming mass of victims without access to such succor, the avalanche of money problems that descends after such tragedies seems like cruel and unnecessary punishment. And while the price tag for relief can soar well above $25,000, even that sum may make the difference between hanging on and dropping out.

A poignant case in point is that of Park

Huey, a 51-year-old Chinese grocery-store owner in the Hunter's Point ghetto of San Francisco. Since 1964, the frail-looking father of eight has been on the receiving end of as much violent action as a GI in a combat zone. Huey has been clobbered with an iron bar while trying to break up a fight in the store, stabbed in the face after he pursued a band of teen-age shoplifters, and shot during two separate robberies—the last of which left him near death.

HURT

Huey isn't sure whether his hospital insurance will cover the $1,200 in medical expenses caused by that attack. But what really hurt was the income lost while he lay in the hospital the store had to be closed until 3 p.m. each day, when his older children could get out of school and operate the business. Only last month, another armed-robbery attempt finally prompted Huey to put the store up for sale. What will he do now? "I don't even think about the future," he says wearily. "For my family's sake, I just want out."

Under Senator Yarborough's proposed compensation commission, Park Huey would probably be entitled to at least enough assistance to establish a new life somewhere else. The bill's chances, however, are considered something less than 50–50, if for no other reason than Congressional concern over its cost. Yet the prototype for the program—Great Britain's Criminal Injury Compensation Law has cost the country only $9.5 million in awards for the entire five years of its existence. Considering that the U.S.'s workmen's compensation system pays out more than $250 million annually for persons injured just at work, Yarborough's proposal sounds more feasible than some contend.

In any case, no such program will be able to compensate Sam Wasserstein for six years of gratuitously induced misery. Two weeks ago, Wasserstein was stricken with a major heart attack that left him in "serious" condition. "We are only praying to God," says his wife. "We're hoping He'll help."

THE NIGERIA-BIAFRA CONFLICT

Mr. KENNEDY. Mr. President, the civil war in Nigeria has overwhelmed the moral sensibilities of people throughout the world. In terms of human suffering and death among a civilian population, it has produced one of the greatest nightmares of modern times. Although a great deal has been done in recent months to check the mass starvation so prevalent last summer and fall, as the war continues, so does the suffering and death of the innocent—if not from malnutrition among those unreached by relief efforts, then from tuberculosis, anemia and other diseases which are rampant on both sides of the battle.

The persistent need for greater efforts to relieve the plight of the people is everywhere present in the battle areas—but I speak today because we stand on the brink of a sharp escalation in toll of suffering.

The mercy airlift of food and medicine into Biafra has stopped. The 3 million people supported by the airlift face starvation and death.

Earlier today the American members of Joint Church Aid—the international consortium of voluntary agencies which has operated the airlift with the International Committee of the Red Cross—sent a telegram to the President appealing for his help. The telegram reads as follows:

Joint church aid, U.S.A. members, heartened by news of plans to implement new route of increasing relief supplies by river and land for suffering women and children in blockaded Biafra.

However, we must call your attention to the fact that three million innocent civilians are totally dependent upon the combined airbridge of the churches and the Red Cross to sustain their lives.

Only one relief plane has been able to complete its mercy mission into Biafra since June 15 because of Nigerian Airforce harassment. With no stockpiles available, there is imminent danger of a rapid escalation in the deaths of thousands of children by starvation.

Capacity of equipment available for implementation of the fluvial route falls short of absolute minimum tonnage needed for survival. The burden of bringing in relief supplies will still be carried by the combined mercy airbridge.

Therefore, we urge in the name of humanity that the United States Government, all concerned nations, the United Nations, and the Organization of African Unity take the strongest possible action to obtain from both Nigerian and Biafran leaders the necessary safeguards to insure completion of relief flights at their former nightly levels immediately.

BERTRAM GOLD,
President, American Jewish Committee.
JAMES MACCRACKEN,
Church World Service.
Bishop EDWARD SWANSTROM,
Catholic Relief Service.

Mr. President, I support this appeal of the agencies, and commend their leaders for the initiative in calling to the attention of all of us a truly desperate situation.

I fully recognize the inevitable problems and limitations of carrying out an adequate relief mission under conditions of war—including the selfish political pressures from all sides to influence the concern and work of the relief agencies. But as a matter of conscience—and in line with our historic traditions—I believe the United States must do what it can to help implement and support the maximum relief effort possible. And we must also lend our effort to the cause of peace in the area.

And so I make these recommendations:

First, I urge the President to seek the support of other governments in appealing to the Secretary General of the United Nations to use the power and prestige of his office to gain an immediate resumption of the mercy airlift into Biafra.

I appeal especially to those great powers that so willfully pour arms into the area and needlessly prolong violence at the expense of innocent millions, to join this effort for humanity. Little of human dignity survives war in our time, but the beginnings of a meaningful peace can only be found in the civilized behavior of all toward their fellow man.

Second, I urge that our Government seek the cooperation of other governments and the parties to the conflict, in urgently requesting the Secretary General of the United Nations to convene in Geneva as soon as possible an International Conference on Nigeria-Biafra Relief.

I make this recommendation because of my deep concern that the current and long-term emergency relief needs, let alone those needs of reconstruction following the end of hostilities, can never be met through the existing relief mechanism or the political authority which finally assumes effective control of the areas touched by civil war.

A Geneva conference arranged by the Secretary General would, I feel, lend fresh perspective on the possibilities of expanding emergency relief operations, and on the approaches to the eventual task of reconstruction.

The conference should include representatives from UNICEF and other specialized agencies, the Organization for African Unity, the parties to the Nigerian civil war, other governments, the private voluntary agencies, the International Committee of the Red Cross, the League of Red Cross Societies and National Red Cross Societies in Africa.

Through the good offices of the Secretary General, the conference should make an effort to establish, immediately, a new and broader relief mechanism—acceptable to both sides.

It should be the function of this body to receive and channel relief contributions; to negotiate mercy agreements between the parties of the civil war, so long as hostilities continue; to supervise relief operations; to involve additional humanitarian agencies, especially National Red Cross Societies in Africa; and to strengthen relief corridors into areas of need, including daylight flights into the Biafran enclave and new routes over water and land.

Third, I urge the President to take the initiative in calling for early consultations among the Ambassadors to the United Nations from the Soviet Union, Great Britain, France, and our own country, on the question of an arms embargo and a general deescalation of the great powers involvement in the Nigerian conflict.

They should also pursue appropriate means to promote a cessation of hostilities, and negotiations leading to a political settlement under the auspices of an African heads of state committee.

Mr. President, in urging stronger American leadership regarding the situation in Nigeria-Biafra, I express the view of many Senators and millions of America's citizens. I cite no political or economic or treaty obligations to support this view. The mutual concern of America is simply the well-being of people caught in the passion of fratricidal war, the reconciliation of both sides, and the renewal of cooperation and progress among a people who have much to contribute to the building of all of Africa.

Let us act with others to pursue peace and relief in a troubled area—because it is right to do so, because it is unconscionable to remain silent, and because the hope of all mankind for a better world will be strengthened.

Mr. PEARSON. Mr. President, I commend the Senator from Massachusetts on his leadership in speaking out on this important subject.

For 2 long years the war between Nigeria and Biafra has raged on and on. Hundreds of thousands, perhaps even millions of lives have been tragically and needlessly lost primarily as a

result of starvation caused by the blockade Nigerian forces have maintained around the secessionist Biafran state. During these many months a small band of dedicated humanitarians working through the Red Cross, UNICEF, and various church and charitable relief agencies have labored to keep going a mercy airlift that has prevented the starvation from becoming even more terrible than it already has been. Day in and day out, this makeshift air force has struggled to keep alive countless innocent victims of this war. Shortly after a Red Cross plane was shot down on June 7, however, the relief flights were halted and remain so today.

Our Government has slowly but steadily given increased support to relief operations on both sides of the firingline. Many of us in the legislative branch, however, feel that we can and should be doing much more. In January of this year, for example, I was privileged to introduce, along with the distinguished junior Senator from Massachusetts (Mr. BROOKE) and 59 of our colleagues, a resolution—Senate Concurrent Resolution 3—calling upon the administration to increase its support of the humanitarian programs that are so badly needed. In the 5 months that have passed since then, the President has appointed Dr. C. Clyde Ferguson as a special relief coordinator, and Dr. Ferguson has been extremely active in trying to bring the two sides together to reach some form of improved relief arrangements. Moreover, the administration responded favorably when queried by the Foreign Relations Committee about its official reaction to the language and intent of the relief resolution. Thus, some measure of progress has been achieved, though many other steps are yet to be taken.

Now word has come that Dr. Ferguson may have been successful in negotiating at least one relief shipment using the Cross River as a mercy waterway. Needless to say, if the press reports are true, this is most welcome news. I am sure that all of my colleagues who have been concerned with this problem join with me in commending Dr. Ferguson for his efforts and in expressing the hope that this is just the beginning of more such humanitarian deliveries. The use of a water corridor has many advantages over a continued reliance on air shipments, not the least of which is the fact that such a method is safer and more capable of delivering far larger amounts of food and medicine. If such a passageway can be used permanently and if agreement can be reached on land shipments as well, we may finally be on the way to solving the starvation and malnutrition crisis which has been engaging the conscience of the entire civilized world for the past year.

Thus, Mr. President, today's news makes it all the more urgent for the Congress to act upon Senate Concurrent Resolution 3 and thereby to make it clear to the administration and the world that we stand ready to give whatever material help is needed to make these agreements work.

One other point must also be kept in mind; namely, that until these agreements are finally and firmly established, expanded and proven, the main hope for the millions of men, women, and children who are threatened with slow extinction by starvation must remain with the mercy airlift run by the Red Cross and Joint Church Aid, U.S.A. And even if land and water routes eventually become a reality, the airlift will still have an important role to play. Thus it is vital that we do all we can to keep the planes flying.

Frankly, Mr. President, here too our Government must redouble its efforts. As mentioned earlier, these flights are now halted and even if the press reports of Dr. Ferguson's success are true, it may be weeks before this one shipment is delivered. As a result, we literally are out of time, and I, for one, am out of patience. Let us act immediately therefore to officially express our concern to both Nigerian and Biafran leaders over the impasse which has stopped the airlift. In the name of humanity we must call upon the United Nations, the Organization of African Unity and all other interested bodies to work together to obtain the necessary safeguards to allow the relief flights to resume at their previous nightly levels.

I can understand the Nigerian concern that these flights, if uninspected, might be used to ferry arms and I can understand the Biafran fear that their food may be poisoned if their supplies pass through Nigerian hands. But, frankly, I cannot comprehend how people as intelligent as the leaders of Nigeria and Biafra can continue to fail to devise a system for satisfying these concerns. I suspect that both sides on occasion have used the flights as a political tool or bargaining lever. While such tactics may be effective in achieving short run objectives they are reprehensible and it is time we said so in no uncertain terms. We have some measure of diplomatic leverage. Let us use it. Let us act to stop this senseless game of political bluff and bluster and bring to bear the concerted weight of world opinion. In this way we might at least get the relief flights started again. Hopefully, we will also work toward a cease fire and a permanent peace settlement, but they are larger questions that may take considerable time and time is the one commodity we do not have. Thus, I would suggest that our first efforts be concentrated on achieving a breakthrough on relief lest we fail to achieve even that by interweaving political and humanitarian questions more tightly than necessary.

Mr. President, I ask unanimous consent that the article from this morning's Washington Post announcing the new relief agreement be printed in the RECORD.

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

BIAFRA AGREES TO ACCEPT RELIEF THROUGH NIGERIA

Biafra announced yesterday its agreement to have relief supplies shipped to its people up the Cross River from the Nigerian-held town of Calabar.

The Biafran Overseas Press Division said in Geneva it was awaiting details of the vessels to be used and guarantees that Nigeria would not use the river channel for military purposes.

The Biafrans have rejected all previous plans to have relief supplies pass through Nigerian territory, saying they feared the Nigerians would poison the food.

Nigeria gave its approval to the river route Tuesday, following negotiations conducted in Lagos by President Nixon's special envoy, Clyde Ferguson.

Ferguson said in Washington yesterday that the supplies would be transported aboard the Dona Mercedes and the Dona Maria, two former U.S. landing ships now registered in Colombia.

He said the first shipment, aboard the Dona Mercedes, would be medical supplies. The ship, chartered by the International Committee of the Red Cross, was loaded at a U.S. port earlier, and is expected to arrive in Lagos Thursday, Ferguson said.

Ferguson stressed, however, that the two craft, each capable of carrying 900 tons of cargo, could not adequately supply the needs of Biafra's 3 million people. Relief flights to the secessionist state have been halted since Nigerian planes shot down a Red Cross flight on June 7.

Biafran authorities also announced yesterday that a new airstrip was being built for relief flights, and that they were willing to consider daylight flights to Biafra's existing airstrip at Uli-Ihiala for a limited time.

Nigeria has always said that relief supplies should be flown into the secessionist state only in daylight, after being inspected by Nigerian officials to insure that no weapons are involved.

POTENTIALLY A GREAT SECRETARY OF THE INTERIOR

Mr. DOLE. Mr. President, after stormy confirmation hearings and the expression of unwarranted misgivings by some, it is refreshing to read about the outstanding role the Secretary of the Intrior, Hon. Walter J. Hickel, is playing in the Nixon administration.

In the past few months, as many of us predicted, Secretary Hickel has emerged as a conscientious, aggressive, and resourceful leader of conservation.

He has made numerous remarkable strides, including efforts to protect wildlife, develop recreational areas, and to abate water pollution.

An excellent article published in the Wall Street Journal of June 18 tells of the Secretary's achievements and activities. I ask unanimous consent it be printed in the RECORD.

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

SURPRISING SECRETARY—HICKEL QUIETS CRITICS BY SHOWING GREAT ZEAL FOR CONSERVATION EFFORT—SKEPTICS ARE STILL DUBIOUS ON INTERIOR CHIEF, BUT HE ACTS ON OIL LEAKS, PARKS—LEANING ON A POWERFUL AIDE

(By Burt Schorr)

WASHINGTON.—Remember all those nasty things they were saying about Walter Hickel back in January?

Making him Interior Secretary would be like putting the fox in charge of the chicken coop; he might level Federal forests and give polluters a free hand with the nation's waterways; not a moose or an Indian would be safe; he would be a tool of the oil industry. And while Democratic Senators probed Mr. Hickel's private business dealings and his actions as Alaska's governor, the Senate delayed confirmation of his appointment, with the result that he was sworn in late.

But now, less than four months later, there has been a transformation in the Hickel image that amazes some onlookers. The Interior Secretary is looking more and more like a conservationist.

Protesting letters from conservation-minded citizens no longer pour into Senate offices. Conservation spokesmen now have kind—though still guarded—feelings about the Interior Department's new chief. "For the most part, he has made a good start," says Dr. Edgar Wayburn the Sierra Club's vice president for conservation; in January, that influential organization urged the Senate to reject Mr. Hickel as unqualified.

The wintertime opposition has been thawed by a series of Hickel moves to combat water pollution, develop parks and protect wildlife. A number of them seem to outdo the Secretary's Democratic predecessor, Stewart Udall, in conservationist zeal. Among other things, Mr. Hickel is trying to block an airport project that he fears would damage the Everglades National Park in Florida, and he has reversed a Udall action that would have permitted filling of Potomac River marshlands and also would have threatened a bird sanctuary.

Not everybody now loves Wally Hickel. But the nasty words about him are coming mainly from the same petroleum industry that Mr. Hickel was accused of coddling in his Alaska days.

"Wally Hickel" says a major oil-company representative here. "Frankly, the guy has us scared to death." Fumes a second: "Hickel has the tendency to get his mouth rolling 20 miles-an-hour before he gets his brain in gear."

One thing ruffling oil men's feelings is Secretary Hickel's order that drillers on Federal offshore lands must pay for cleaning up any pollution they cause—like the goo that spread over beaches and wildlife in California's Santa Barbara channel early this year. The oil men are also disturbed by his order that in such situations they must pay "reparations" to resort operators and other property owners with a financial stake in clear water.

DEPLETION ALLOWANCE QUESTIONED

Another irritant has been the Secretary's suggestion, in a television interview, that the Government might take some of the "high profits" out of oil operations on Federal lands by exploring such tracts itself. ("That would be socialism," complains an oil-company operative here.) On the same TV program, Mr. Hickel aslo suggested that maybe not all of the 27.5% tax allowance for oil depletion is justified—grating words to an industry that traditionally has regarded the Interior Department as attuned to its interests.

Nor is Secretary Hickel winning oil-industry friends with his contention that he knows "what's good for the industry better than a lot of oil executives do themselves." He has warned a number of oil men in private meetings that the industry is building up public resentment through its stiff-necked defense of the depletion allowance and slow response to water pollution dangers.

On many other issues, Mr. Hickel's stands differ sharply from those forecast by his early detractors. Soon after he took office, his support for strong coal mine safety and clean-water legislation scored points with Democratic lawmakers. "Very positive and constructive" was how Sen. Edmund Muskie of Maine, ordinarily no Hickel booster, described the Secretary's testimony on a bill to cope with oil leaks.

SAVING ALLIGATORS

More recently, Interior Department duplicating machines have been busy informing the press and the public of other Hickel concerns. Among them: The poacher threat to Florida Everglades alligators; preserving Pyramid Lake, Nevada, for its Indian owners; and providing a better deal for the Micronesian islanders who are wards of the U.S.

Coming soon: A Hickel plan to give new Eastern priorities to Federal park and recreation-area development, which has been concentrated in the West; a rejuvenation of the long-neglected Bureau of Indian Affairs; and a Government effort headed by the Interior Department to prevent oil operations from ravaging Alaska's northern wilderness.

The instigator of all this is the same man who stirred a furor last winter for declaring his opposition to "conservation for conservation's sake." (Mr. Hickel actually said he was against conservation "just for conservation purposes," but he has adopted the punchier press version in self-satirizing speeches.)

To Hickel fans, the furor was all a smear perpetrated by political enemies and biased journalists. At any rate, the Secretary now carefully asserts that "sound conservation demands wise and prudent use—without either waste or abuse—of our natural resources," a quote from Fred Seaton, Interior Secretary under Eisenhower.

Some skeptics here continue to doubt, however, that the rush of Hickel pronouncements really means a new champion has joined the battle to save man's environment from man.

"Obviously, he's trying to get across the idea that he's not an ogre," says one skeptical Hickel-watcher—former Secretary Udall. "But where's his program, where's his thrust? There are no significant signs of that yet."

Certainly some of the moves lately planned within the totem pole-guarded Secretarial suite have heavy overtones of political showmanship. During the Santa Barbara oil-leak emergency, one top Hickel aide frankly declared the need to "out-Udall Udall," recalls a former department official who was present. When the Secretary boated into the Everglades on what was billed as a simulated 'gator-napping expedition, he was followed closely by a noisy boatload of reporters and cameramen who had been urged to come along. (The alligators kept out of sight.)

A DIG AT UDALL

Clearly the Interior chief is out to set people straight on Wally Hickel. He wonders how the press came to cast him as the "black knight" and his predecessor, Mr. Udall, as the "white knight." After all, he says, the Santa Barbara oil lead resulted from Udall decisions, showing that "there's a lot more to running the Interior than climbing mountains and paddling canoes"—an obvious jab at Mr. Udall's well-publicized penchant for rugged outdoorsmanship.

(As their remarks suggest, relations between Messrs. Hickel and Udall are icy. The Secretary apparently regards last-minute oil import decisions and other final Udall actions as "time bombs" designed to embarrass him. Mr. Udall, who now heads an environmental planning firm here, simmers over his successor's failure to acknowledge the cordial personal note he left on his desk last Jan. 20.)

Whatever the motive, it's the Hickel style to get things done in a hurry. His aides busily seek out problems their boss can solve with a stroke of his pen—rather than get mired in the protracted negotiations that often precede important steps by the Federal bureaucracy.

"I can't be bothered with details," declares Mr. Hickel with his usual candor. "I like to sit up there in my office and get the big picture."

One man assigned to help assemble this "big picture" is Under Secretary Russell Train. If President Nixon intended to calm the Hickel controversy by naming a second-in-command of unquestioned caliber, as is widely believed, he appears to have succeeded. Mr. Train is a lawyer trained at Princeton and Columbia. He has served as a Congressional staff man, Federal tax judge and conservation leader, and he enjoys wide respect.

OVERSHADOWING THE BOSS?

Certainly, Secretary Hickel is making maximum use of his No. 2 man. Mr. Train's responsibilities include most department dealings with Congress and the Budget Bureau, plus handling of all environmental issues—a far larger role for an Under Secretary than at any time during the past eight years, department veterans say. In fact, Mr. Train now overshadows his boss in the eyes of some officials.

"Without Train, there wouldn't be a department," grumbles one dissatisfied Republican. "You can't present a case or an issue to Hickel. He's too impatient to listen to alternatives."

Adds the head of an important department subdivision: "Train is the only experienced, competent guy in the whole upper structure. He seems to be generating the forward movement. When I want a real gut decision at the department level, I go to him, not Hickel's people."

Such comments must be weighed against unusual preoccupations that have demanded Secretary Hickel's confirmation hearing, the Secretary and his staff found themselves plunged into the Santa Barbara crisis and urgent decisions on oil-land leasing. All this delayed key department appointments and increased the burdens on the Secretary's office.

However, such considerations fail to sway many of those who doubt Mr. Hickel has the stature needed for his high office. One persistent image problem seems to be the Secretary's public utterances. Though he's a forceful, humorous and sometimes-eloquent conversationalist, his syntax can become vintage Eisenhower when he's addressing an audience. Here's a sample from a TV-interview comment on possible Government exploration of Federal oil lands:

"It might be better if we went out and explored somewhat ourselves, the Federal Government, found out what was there, then negotiated royalties, and I think in there would take some of the risks out and also would take some of the high profits out that are there, and I think the very fact that they have taken these risks, and the Federal Government has assumed that they would, have caused this great feast and famine, and basically feast in the oil industry, and I think the approach should be changed."

A FARM BOY

When the occasion requires a word-for-word reading of a written text, the Secretary sometimes trips badly on pronounciation. In his coal mine safety plea to a House subcommittee,, "humanitarian" emerged as "hoomitarian" and "imminent" as "eniment."

"The Secretary is a Kansas farm boy, and he doesn't make any pretense of being Everett McKinley Dirksen," says a Hickel speechwriter in defense of his boss.

Mr. Hickel likes to lace his speeches with original jokes. But unlike Vice President Agew's self-satirizing efforts to poke fun at himself, (some of them the product of a professional gag-writer), his attempts often sound plain corny.

One current Hickel favorite is his explanation of how he came to be chosen for his post. As the Secretary tells it, the White House staff asked Mr. Nixon whom he preferred for Interior Secretary, and the President replied, "Oh, any Hick'll do."

To some, Mr. Hickel's style merely validates earlier predictions that a Cabinet post requiring sophisticated environmental control and natural resource judgments would be beyond his depth. As the sole Nixon Cabinet member who never attended a college class, the Interior chief makes no claims to intellectuality. Asked if he agrees with an aide's definition of him as a Populist, he explodes good-naturedly, "What the hell is a Populist?"

Mr. Hickel reads little outside official documents. The major exception is the Reader's Digest, which he says he has devoured from cover to cover every month for 25 years. "It's a pretty good way to come by a lot of knowl-

edge. I tell people my college education is a Reader's Digest degree," he adds, fervently.

Still, if executive drive is Mr. Hickel's strongest card, as his Alaska career suggests, it may be just what the Interior Department needs.

For whatever the Udall years meant for National Park development, seashore preservation and scenic-rivers protection, important areas of the department's activity appear to have been neglected. While Secretary Udall appointed the first Indian head of the Bureau of Indian Affairs, he did little to revitalize its much-criticized uplift effort. And only after the West Virginia mine explosion last November did the former Secretary pay much attention to coal mine safety.

GETTING INDIANS' VIEWS

Mr. Hickel, for his part, believes the Indian agency needs not more money but more "Indian involvement." Soon he will announce a new Indian commissioner to head the bureau. Indians may also be named for the first time as assistant commissioner for economic development and to lesser executive posts in the agency. Then, the Secretary says, "We're going to ask the people on the reservations to tell us what they want, not the other way around."

A more ambitious idea beginning to take form under the Hickel regime is the plan to provide more National Park and recreation-area facilities for Eastern city-dwellers. Largely through accidents of history and geography, most such land holdings are located in the West, far from the biggest population centers, and are almost inaccessible to the urban poor.

"We have got to bring the natural world back to the people, rather than have them live in an environment where everything is paved over with concrete and loaded with frustration and violence," says the Secretary.

An initial step in this direction is the Secretary's proposal to create a national recreation area out of two seashore tracts forming the mouth of Lower New York Bay—Sandy Hook, N.J., and Breezy Point on New York's Long Island—as well as more than two dozen islands in nearby Jamaica Bay.

Looking further ahead, Mr. Hickel's men are considering a plan for spending $200 million annually on such urban-oriented projects over a five-year period. This would come atop an estimated $375 million needed to complete already authorized acquisition of Federal recreation land, mostly in the West.

ADVENTURE ON THE COLUMBIA

Mr. JACKSON. Mr. President, a team from the Everett, Wash., Daily Herald, my hometown newspaper, recently cruised approximately 900 miles down the Columbia River in a historic boating adventure.

Associate news editors Bill Lipsky and Bill Hill, along with Herald advertising man and experienced boatman Jack Schneider, with State and Federal representatives, entered the Columbia in early May in Canada, near Trail, British Columbia, in an 18-foot boat. Fifteen days later they came out on the Pacific Ocean near Fort Canby, Wash.

In a summary article, the Herald team related:

We left the river feeling that the changes made along this regional, water necklace are good. Washington State and the Pacific Northwest could never have grown to their present stature without low-cost electric power, land irrigation and navigational improvement. Population pressures now mounting will require that we in the Northwest look even more closely to the Columbia for sustenance.

Along the way, the boaters traveled past and through facilities operated by the Bureau of Reclamation, National Park Service, Corps of Engineers, and Atomic Energy Commission.

The editors complimented the work of the agencies, but felt that closer coordination among various governmental bodies, particularly the States bordering the Columbia, is essential.

While en route down the long river, the Herald teams wrote daily articles for their Everett readers. I ask unanimous consent that the series be printed in the RECORD.

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

FIRST DAY: COLUMBIA RUN

The worst part of the trip, we told ourselves.

Five men in a pickup truck loaded with gear and towing our 18-foot Marysville-built Reinell boat over a 418-mile drive to Northport, high in northeastern Washington.

As soon as we dipped down out of Tumwater Canyon and passed Leavenworth, it got hot. But that's what is supposed to happen in this part of the state. Through wheat country, we saw fields of new, green growth alternated by dry sections of land over which skipped an occasional dust devil.

The Columbia looked as mighty as it is.

We met the big river where tiny Hawk Creek empties into the Columbia northeast of Wilbur. We followed the river north many a mile to Northport, ending a more than 12-hour day on the road.

There were several stops—for gasoline, chow and to look over potential boat landing sites.

With the plug pulled on Grand Coulee Dam, the huge Roosevelt Lake Reservoir is down by as much as 140 feet. This leaves, in places, a half mile of sandy beach on either bank. Many of the long-established boat landings, docks, swimming beaches and parks are a long hike from water.

But it's a hike nature lovers would enjoy.

We spotted deer tracks along the almost-Sahara-like stretches. Bird scratches galore. And even the modern trail of motorbikes.

At Northport, the first place we could safely put the boat into the river, we stopped to camp.

It took a bit of truck-driverish skill to back the pickup and trailer down to the water. Both Bill Hill, my coassociate news editor, and Dick Sellevold, our Seattle District Army Corps of Engineers representative from Edmonds, combined to get the truck into position.

Jack Schneider, another Heralder and our boat skipper; Don Richardson, from the State Tourist Promotion Division in Olympia, and I combined to dig one truck wheel out of the sand when the two drivers got stuck.

But it was only a minor inconvenience.

Afloat at last, the jaunty boat which has been dubbed Miss Print tugged eagerly at her lines.

Our Columbia cruiser was named by a friend of mine, Ken Tapert of Everett, who showed up at The Herald office at 6 o'clock the morning of our departure Friday with a fancy blue and white sign to post on the boat.

In deference to Ken, we've not only kept the name but added to it by using the radio code signal Typo for our truck. We have short-wave radios in both the truck and boat so we can coordinate refueling rendezvous.

Two of us bunked in the boat the first night; the others camped in a grassy park above. When the sun slid into the distant Puget Sound country, the sky overhead came alive with stars, a trillion or more.

And the Columbia murmured contentedly.

Ahead of us are approximately 800 miles of river-running and dam-hopping. The first problems—not major, we believe, but exciting—are the up-river stretches of white water. Then there is the matter of finding ways to beach the boat in the low water above the Grand Coulee.

With the river's first and biggest dam holding far less water back, we may find ourselves doing some backtracking. The Grand Coulee reservoir has been lowered so construction work can be done on a third powerhouse at the dam. When completed, the new generation equipment will make Grand Coulee once again the most powerful in the world.

SECOND DAY: COLUMBIA RUN

We're off!

The cross-state Columbia River expedition's first full day on the water was a rip-roaring success—even to the white-water rips our stout little boat leaped through from Canada to Kettle Falls.

With the 18-foot, inboard-outboard-powered motorboat launced at Northport, just below the Canadian border, the more than 800-mile trip to the Pacific Ocean was under way.

First, we turned up-river and bucked currents and rapids to the Canadian side of the mighty Columbia. Then, skipper Jack Schneider turned the boat around sharply and headed downstream.

Right off the bat, we found it easier on gas and lots faster going with the Columbia than against it.

Bill Hill turned his tape recorder on to pick up sounds of the river and to make vocal notes about points of interest. When the boat bounced into its first watery whirl, his calm was jolted, too.

"Golly-gee-whiz" (or something almost like that), Hill shouted at the recorder.

Once the first and relatively minor rapids were passed, our crew settled down to enjoy the spectacular scenery, to take photographs and to check our several references. We have maps and materials about the Columbia from a number of sources.

Included in our background data are old Army Engineers maps and the log of an Army lieutenant who made the river trip in 1881 in an Indian canoe.

One of the first sightings was the remaining three tiers of an old settler's cabin which was mentioned in river-mapping trip records of long-ago travelers.

The biggest impression of the first day cruise was not the kick-in-the-pants of the rapids. It was the many hours of an almost aloneness.

There were few signs of civilization along the way. Frequently the highway which borders much of the river was not visible from the water. There were no houses; only two humans were seen on the beach, Indians fishing from the shore.

Two deer were spotted on an isolated beach.

It was in this section we expect to encounter the roughest water, primarily because of the lowering of the Roosevelt Lake reservoir. Rapids which have been covered with the lake waters backed up by Grand Coulee Dam for 25 years are exposed now because of new construction at the dam.

We went over many sections of fast water today and three sets of rapids which had every one aboard checking their life jacket lashings.

The big one was Little Dalles Rapids.

A gasoline station attendant in Northport didn't help matters when he told us last night that he certainly wouldn't take a boat over them. But he added—when we blanched—that others regularly do.

So we did, too. Waves bounced four to five feet high, several of our crew claimed. Hill sat flat on the bow of the boat, strapped into position under the tripod of his movie

camera with a life jacket wrapped around his middle.

The truck carrying gasoline for the boat and camping supplies had to detour away from the river for a number of miles because of a slide which blocked Highway 25 above Kettle Falls.

A big sand bar, also above Kettle Falls, is exposed by the low water. Wind whipped sand from it up the river like a gritty vapor.

Kettle Falls itself is cascading over rocks as it did a quarter century ago before Grand Coulee backed up the Columbia. Once a favorite Indian fishing spot, Kettle Falls today is attracting tourists by the score to see the long forgotten waterfalls.

When the Roosevelt Lake reservoir is raised later this summer, the falls again will vanish.

Because of the falls, we had to stop the boat upstream. Finding a place to beach the boat was difficult; finding a spot to pull it from the water was impossible.

So the boat was backtracked several miles upstream. With much radio message traffic between Missprint (our boat) and Typo (the truck), all hands got together on the west bank of the Columbia not too far above its junction with the Kettle River.

But the truck couldn't get down to the river channel so there was a long walk over sand and rocks carrying gas cans and camping gear. Dick Sellevold, our Army Corps of Engineers crewman, and I are the only admitted rattlesnake-conscious river cruisers. Both of us looked carefully before each footstep on our way back and forth over the beach rocks.

Don Richardson, the state tourist promotion division representative, is less concerned about snakes. After dinner, he scrambled about for worms under old logs and then headed for the river again to try his hand at fishing.

Fishing is one of the big attractions of this upper Columbia region. We've seen fish of some sort jump each evening and morning. And every small store—be it grocery or garage—has fishing gear for sale.

Anglers aren't the only recreationists who come to this high country. We've seen many state parks in excellent shape for summer campers but since we are early in the season there have been very few on the roads or in the parks.

Our boat trip down this mighty river is giving us all a feeling for history.

Everywhere we look are reminders of the days of Indians and trappers, traders and settlers.

And yet we realize that the pioneering period for much of this region isn't that old. One hundred years ago the eastern portion of the United States was thriving; historical societies already were collecting data on activities that went back generations.

In much of the remainder of the world, history of civilization already was calculated in centuries.

But along the Columbia 100 years ago, it was wild and woolley.

It's still a wide-open country with tree covered mountains reaching up from the banks of the upper Columbia and sagebrush prairies stretching away from the river's middle reach.

Tiny settlements of 100 years ago or less have prospered and died. Some have been moved or abandoned because of the backing up of river waters by the dams which began sprouting 32 years ago.

Some were launched in boom times as trading centers, portage points, railroad terminuses or mining communities. When the reason for the towns was ended, the towns simply dried up.

Conscientious explorers show locations of Indian villages, mining sites and individual settlers' cabins.

Some pinpoint China Camp, an area where Chinese laborers brought here to build railroads and then as mining workers once set up a community. Stone and earthen ovens used by the Chinese have been uncovered with the lowering of the upper Columbia River.

The U.S. Civil War was over when much of this area was still untamed. Some of the nation's Civil War heroes were sent here to control the "warring" Indians and to scout the great unknown wilderness.

Sherman Pass, the state's highest, was named after a Union Army general transferred to duty here. The ghost town of Miles was named after another general of the War between the States.

Fort Spokane, built on a plateau overlooking the Columbia and Spokane Rivers, was established as a military base for protection of settlers against the Indians. But the troops there found the Indians peaceful and nary a combat patrol was dispatched from the post.

In fact, the fort was turned into a resident school for Indians. It was used for the purpose for many years and then left idle.

It was only a few years ago that the National Park Service acquired the site. Much work has been done to restore old fort buildings and to display artifacts.

One of the present park service employes there, Lee Randall, is the grandson of an Army trooper who was stationed at Fort Spokane when cavalry and infantrymen manned the post. He recalls his grandfather describing life then as "hardship duty" for soldiers because of the isolation.

Within the lifetime of many persons still around, the Columbia River has changed drastically. The river and its surrounding lands is destined to change even more.

The recreational potential alone of the upper Columbia will attract more and more people, not only as visitors but as residents.

All of the newcomers will find its history fascinating.

THIRD DAY: COLUMBIA RUN

This was a day of frustrations and sunburned noses for our down-river crew.

For one thing, the river cruising was upstream.

In order to make the first important portage—around Kettle Falls—we had to return to Northport to get the boat out of the water. Then after trailering the boat back to Kettle Falls, we made camp to do considerable map reviewing, river bank searching and questioning of area residents. This was in hopes of finding a boat launching site not far downstream from the falls.

If no access to the river is found it may mean more backtracking of our river route.

Mother's Day on the upper Columbia for we five "boating bachelors" set us to thinking of our wives and mothers. All of us, of course, made excuses galore prior to this trip because we'd be away on this holiday. Each of our gals has a big dinner date due when we get home.

We did raise our coffee cups in toast to the wives. Then, even that was spoiled when I found a flying ant swimming in my cup.

Kettle Falls has been quite a tourist attraction this weekend. Visible for the first time in years, it has brought scores of persons—particularly from the Spokane area—to the Colville-Kettle Falls region.

We've seen a number of rockhounds and amateur archeologists combing the now uncovered Roosevelt Lake bottom. The lake is scheduled to begin rising again soon, as work progresses on expansion of Grand Coulee Dam.

One of our crew, Don Richardson, reports that rockhounding is now one of the nation's most popular hobbies. He has done a bit of riverbank scouting himself in early morning and late evening.

But another crew member, Dick Sellevold, came up with a foremost interesting find.

At sunset last night, he scrambled back up the rocky riverbank with a handfull of rusted artifacts that included what looks like part of an old flintlock pistol. And since we aren't far from the site of one of early-day trading posts, it doesn't take much imagination to believe that it is part of some trapper's weapon.

We also passed the bones of a town protruding up from the sandy lake bottom.

The tiny town of Marcus was abandoned years ago when Grand Coulee Dam was built and Roosevelt Lake's reservoir backed up 151 miles to Canada. Now house foundations, the outline of old roads and the remains of a ferry dock show up where Columbia River waters have flowed for more than 25 years.

Marcus residents today live in a hamlet set back from the river.

The highlight of the boat trip back up the Columbia today was the return sprint through Little Dalles Rapids. Jack Schneider was as steady as ever at the wheel of our Marysville-built boat and because there were only three in the craft instead of four on the return trip, there was far less bounce.

After the double passage of the rapids, Bill Hill particularly enjoyed seeing the gasoline station attendant at Northport who earlier told us that he "sure wouldn't try that ride."

We've met several persons who have read of our Columbia River dam-hopping expedition plans. They've all been extremely interested and friendly.

One man, in particular, L. V. Downs, a U.S. Bureau of Reclamation executive from Ephrata, was camping with his wife near Kettle Falls when we arrived. He spotted our sleek boat and bright red Herald truck and came through the campgrounds to talk to us and offer suggestions.

FOURTH DAY: COLUMBIA RUN

Two husky loggers and a whopping big bulldozer tractor came to the rescue of our river expedition today.

Faced with an 80-mile trailer haul down river from Kettle Falls to the next boat launching site available, we scouted this area and gabbed with as many persons as possible in a short time, to seek an alternative route to water.

The tip for our time-saving launch operation came from L. V. Downs, the vacationing U.S. Bureau of Reclamation exec. we met in a national park. He suggested we talk to several local businessmen.

We did. And one of them, Howard Fox, Boise-Cascade Co. superintendent in Kettle Falls, quickly called in Tom Hiatt, log yard "super," and Larry Enwright, "cat" skinner.

The two big and friendly men arranged to meet us at the top of the 100-foot-plus sandy bluff leading down to the main channel of the Columbia which now courses in the center of Dry Roosevelt Lake.

There was no trailer hitch on the big tractor Enwright muscled up to the edge, so he improvised with a heavy bolt. Then he snapped our boat trailer, and 18-foot Reinell craft, on behind and started snaking down the steep and sugary sandbank.

It was quite a sight.

At the very rim of the steep beach, Jack Schneider, our boat skipper, scrambled into the "Missprint" and held on tight as the tractor driver stopped short and cut loose the line holding the boat on its trailer.

Swiftly but neatly, the Missprint slipped into the Columbia and we were afloat again.

This unique launching saved us the 80-mile trailer haul and half of what would have been a doubling back on this section of the river.

We head downstream from here for Grand Coulee Dam.

Before we readied for the next and long stretch of river running, we loaded the boat with camera gear for a quick dash back upstream to the foot of Kettle Falls. With plenty of spray over the bow, we got close enough for some spectacular movie and still shots.

Our campsite tonight is again in a National Park Service campground. Like the others we've seen, it's neat, clean and well equipped.

Park service employes are busy now, readying for the summer tourist season.

They are fixing up some of the winter-caused damage and clearing debris. And already they're encountering vandalism.

At Snag Cove Park above Kettle Falls, we saw where some thoughtless campers had pulled down a road stop sign to burn the post in the fire and use the sign as a cooking plate.

FIFTH DAY: COLUMBIA RUN

We knocked at the back door of Grand Coulee Dam today after boating through 151 miles of its Columbia River rear playground.

In reaching the upper side of the mightiest of dams on this mighty important river, we cruised from one climactic region to another.

We left timber country and entered wheat and sagebrush territory.

It was a high-speed run on the river for the first time but a dash marked by some quick halfback-like maneuvering by our boat skipper Jack Schneider.

The Columbia above Grand Coulee—lowered to a depth not seen for more than a quarter-century because of dam powerhouse construction—is pockmarked by floating debris. Small logs, tree limbs, chunks of wood of all kinds are floating in the main channel.

It's a boat pilot's nightmare right now and we did plenty of swerving to avoid clobbing either flotsam of jetsam.

Once again, a stranger came to the rescue of our expedition. This time to help us in leaving the river for the portage around Grand Coulee.

We had planned to pull the boat out at Keller Ferry landing, a spot about a dozen miles above the big dam. After roaring as close to Grand Coulee as possible, we charged back to Keller Ferry only to find the cove filled with a thick matting of debris and the bank steep and slippery.

While Jack cautiously edged the boat into the landing, I straddled the bow with a pike pole in hand to push the bigger logs aside.

Once the boat was steered onto the end of its trailer, our Army Corps of Engineers representative, Dick Sellevold, who is an ex-Seabee officer, climbed into the pickup driver's seat to pull the whole rig from the river. But the bank was too steep and the sand too loose. For a time we feared we were stuck.

Then along came Willard Pfaffle, a delightful upper Columbia character who has spent 29 years running the ferry across at Keller's Landing.

Pfaffle, who also operates Lakeside Marina just a jump away from the landing, backed his four-wheel drive truck down in front of our pickup, hooked on and helped pull everything out.

Then Pfaffle invited all of us up to his cabin to see his collection of pioneering paraphernalia. A former cowboy, trapper and miner, Pfaffle has a cabin which is decorated with animal skins, horn racks and the darndest mish-mash of frontier tools and souvenirs any of us had ever seen.

He apparently shows his cabin to anyone who comes along and his guest book has signatures of persons from all over the nation.

Before we reached the Grand Coulee area, we charged through what we expect to be the last of "white water" to encounter on this trip—Grand Rapids, which is above the confluence of the Spokane and Columbia Rivers.

It was quite a ride.

Schneider again steered us through standing atop his pilot's seat to get a better view of the rocks and rapids as we approached.

During this stretch, Bill Hill and our state tourist bureau official, Don Richardson, were paralleling the boat in our truck. They watched and photographed much of the bouncy passage.

Hill, during his day's driving stint, also was eager to report by radio that he had run over a rattlesnake on the road.

We on the boat were more pleased to encounter more pleasant wildlife. We saw deer drinking at the river's edge, ducks and geese flying ahead and away from the boat.

Shortly after we turned away from the higher, timbered area we spotted the remains of an old sawmill building noted on 1881 and 1908 Army Engineer maps. The small structure—made of stone and timbers—has been under nearly 100 feet of water for a quarter century now with the raised waters of Roosevelt Lake Reservoir.

We searched in vain with binoculars the new uncovered tableland area which was marked on the map as an Indian village near the mouth of the San Poil River. Here we didn't find any indication of life long since passed.

SIXTH DAY: COLUMBIA RUN

We dam hoppers portaged two of the big ones today.

After completing our jump around Grand Coulee—which included a motel stop-over and hot showers for a whiskery brunch of sunburned boater-campers—we roared on down to Chief Joseph Dam.

The boat pull-out at Chief Joseph was the easiest yet. River levels below Grand Coulee are much more normal and the boat ramp there was excellent.

It was a far cry from several of the launchings and landings we made further up river.

At Grand Coulee we saw the hustle and bustle of an expansion program costing millions of dollars and aimed at producing thousands of kilowatts of new electrical power.

The new powerhouse being built at Grand Coulee is part of a river use program extending up into Canada. A U.S.-Canada Columbia River treaty sets the stage for hydroelectric generation and flood control storage not before possible.

Grand Coulee—known to tourists for years because of its size and spectacular colored light display at night—will be lit up again soon.

To us river runners, it loomed large without lights as we snaked our truck and trailer rig down a dusty construction road at its base. Friendly flagmen and guard escort vehicles from the Bureau of Reclamation and the contractor helped slip us onto the road between huge trucks and trailers which thundered down with frightening regularity.

Not long after being launched, our boat "Miss Print" clipped a piece of floating log, putting a dent in one blade of the prop. But it was straightened by Jack Schneider, whose belt was held firmly by Dick Sellevold while he draped himself over the stern.

The run to Chief Joseph was highlighted by the spotting of more wildlife than ever before. One group of four deer posed prettily at the river's edge for pictures; geese, ducks and one eagle eyed the human intruders with little fear.

Chief Joseph Dam, an Army Corps of Engineers project was the scene of a reunion between Sellevold, our corps representative, with several men he has worked with in his engineering career.

The project's chief engineer, Jim Green, took Bill Hill and his cameras so close to Chief Joseph spillway that Bill got a breezy shower.

The dam is named after the famed Nez Perce Indian chief who when pushed to war with the U.S. Army clobbered its troops in a series of running engagements which military strategists have studied ever since.

Completed in 1958 with 16 of a potential 27 generators operating, the dam is primarily a hydroelectric facility.

Dam workers indicate that each facility has a personality all its own. We've found the first two different, all right, and we'll remember not only their massiveness but more minor facts or stories about them.

Grand Coulee leaks about 200 gallons of water per day, we were told. But that is considered exceptionally "tight."

And Grand Coulee, we've heard, will have an important role in the U.S. space age. The first pieces of the moon to be returned to earth will be tested in a laboratory deep within the big dam so that all outside influences can be avoided.

Chief Joseph Dam, we'll remember, because of rattlesnakes.

The rock beach in places between Chief Joseph and Coulee is a haven for rattlers. Sometimes the snakes drift down the Columbia and run against Chief Joseph Dam where they crawl up chains on the dam's upriver face.

Things are really moving at this Big Brother of dams.—Grand Coulee.

Construction of a huge new powerhouse at the dam is proceeding on schedule despite a battle against the Columbia River which relentlessly tries to break free.

Below the big dam, workmen are scrambling to stop washouts and land slides at the scene of some of the construction. A similar battle above the dam—where tons of earth and rock were dug out for a facing on the new powerhouse—was won.

On the upper side, the last of heavy equipment used to haul material away from below the regular waterline is being moved to higher ground.

And Roosevelt Lake Reservoir above Grand Coulee is rising again.

With the dam gates now holding more water back, the huge reservoir is filling at a rate of about six feet per day. Raymond Seely, chief of the power division at Grand Coulee, reports that the lake should be at a more normal depth by the first of June.

The unusual draw-down of reservoir waters—necessary for construction of the new powerhouse—will be matched again in 1973 when the lake will have to be lowered to do final inspection and work on the approximate $400 million project.

The new powerhouse, which once more will make Grand Coulee the world's most powerful, is costing much more than construction of the full dam in the late 1930s.

Grand Coulee's original erection cost about $160 million. But costs of everything have gone up, it seems.

With the increased construction costs, however, has come a decrease in numbers of workmen needed for building such a facility. In the '30s when Grand Coulee was a'building, more than 3,000 men were at the dam site doing everything from clearing land to drilling holes in massive rock formations.

Now approximately 500 men are doing the work of installation of the new powerhouse. Improved equipment, for one thing, makes the difference.

Contractors doing work on the Coulee project will move about one million yards of rock and approximately ten million yards of earth from the north bank of the river to make room for the new powerhouse.

Much of that rock and earth is being hauled downstream in a 20-hour per-day parade of big trucks to create a near six-mile fill along one bank of the river.

The Grand Coulee power chief, Seely, said that the filling in of one bank of the river below the dam will make the channel more stable. In addition, the creation of new real estate below the dam will enable engineers to develop ultimately a parkway along the river bank, a parkway which could include public access to the river.

Seely also feels that once the powerhouse work is completed there will be less fluctuation in water level of Roosevelt Lake.

The height and condition of that big reservoir behind Grand Coulee is of importance to many individuals and organizations.

Grand Coulee Dam officials are on the spot

for such things as increased siltration of river water resulting from a drop in the reservoir which causes bank sliding.

Many a housewife in the city of Grand Coulee has complained, as only housewives can, over the dirty water which comes from her tap for clothes washing.

And boaters who have ventured onto the lowered reservoir have found that debris on the bottom of the lake has dried with exposure and is floating as waters come back up again.

One of the agencies concerned with the Roosevelt Lake condition is the National Park Service, which has recreation-camping facilities at many points along the lake. One of its representatives in Grand Coulee said that no physical damage to any of the parks has been caused by the reservoir draw-down even though there was fear for a time about a section at Fort Spokane Park because of a massive landslide.

Park personnel indicate that the camping sites in this north-central Washington area have yet to reach a maximum use level. But they expect a boom in tourism soon because of such things as population growth in the state and improved east-west highways.

There are about 600 miles of shoreline on Roosevelt Lake, shoreline which is attractive to developers, speculators and vacation seekers. It has been reported that California interests have purchased many acres of such beach property in recent years, counting on just such a land boom.

SEVENTH DAY: COLUMBIA RUN

We passed the third dam in our down-river expedition today but for a hot and blue-aired hour we feared we were stuck.

It appeared that the Columbia wouldn't let go of our trusty "Miss Print," the 18-foot Reinell boat with which we're dam hopping.

The run from Chief Joseph Dam to Wells Dam was smooth and pleasant. There was a stop at the site of historic Fort Okanogan, a quick and brief turn up the Okanogan River and then a ride past Brewster and Pateras and the first of the apple orchards.

At Wells Dam, the only possible pull-out point was at the upper edge of the Douglas County PUD structure. But it was on the river bank opposite from the highway.

Our escorting truck-trailer—radio coded "Typo"—reached the damsite and the day's duty driver—me—went looking for help. I found project engineer Herb Curtis down inside the dam, with the assistance of his secretary, Barbara Woodbury, a former Everett girl.

Curtis quickly showed me where to drive the truck across the top of the dam to meet the remainder of our crew.

But things got sticky then.

The truck was backed into position, the boat cranked up onto its trailer and with a roar we started out. The truck wheels dug into soft sand, the trailer wheels sunk into more sand and we went nowhere.

Once again, however, the good folk in this state came to our aid.

A helmeted dam worker saw our difficulty and backed down with a tractor to give the additional pull we needed.

So we are still one jump ahead of Old Columbia.

Before we arrived at Wells Dam, we stopped at the Fort Okanogan site. The fort, of course, was demolished years ago and most of its area is under the heightened waters of the Columbia.

High atop a nearby hill, however, is a Washington State Park Department museum which has a fine collection of artifacts, paintings and models dealing with the old fur trading post.

Superintendent of the Fort Okanogan Museum is Ralph David, a cordial man who was quick to tell us of the trading post, first opened in 1811. Fort Okanogan was an important terminus of the river-lake-trail route which led from the Okanogan to the Cariboo country in Canada.

David's wife, too, was most gracious and brewed us a cup of coffee while we chatted about the pioneering history of this area.

Leaving the museum, our river cruisers moved briefly up the nearby Okanogan River to view the old Wells Fargo building at the tiny community of Monse.

Then it was a high speed run down the Columbia with our cameras aimed at flocks of at least 200 Canadian geese which scurried ahead of the boat.

Those humans we met today were as interested as all others we've encountered in the details of our trip. And more here asked about conditions in the Columbia River's reservoir above Grand Coulee.

Residents on this side of the state's big hump seem to more fully realize the recreational potentials of the 600-mile shoreline Roosevelt Lake and other dam-created reservoirs on the river.

Their questions supported our newly acquired convictions that this upper Columbia region is indeed a land of promise. Today, it was announced from Washington, D.C., that additional federal funds have been appropriated for recreational development of the Roosevelt Lake area.

EIGHTH DAY: COLUMBIA RUN

Into the land of apple orchards our river expedition moved today.

In doing so, we felt a twinge of regret because it seemed we were cruising into greater civilization and higher prices and less friendliness.

But that first impression certainly wasn't totally true.

We reached Wenatchee today after portaging Rocky Reach Dam, the fourth in our dam-hopping trip. And there is nothing allcynical about this town. It's really gracious.

However, we do miss the more open spaces of the upper Columbia and the quicker move of folk there to greet strangers.

To get to Wenachee, we had another tough siege with a boat ramp—this time just above Rocky Reach Dam. We tried to pull the boat out near an Entiat park beach but found ourselves hung up on the remnants of an old warehouse foundation, now a few feet under water.

After much wrestling and cussin' and some advice from local residents, we found a better recovery site.

Rocky Reach Dam, a Chelan County Public Utility District hydroelectrical facility, is famous for its "look a salmon in the eye" fish-viewing room inside the dam.

Unfortunately, the turbid condition of the Columbia now due to excessive amounts of silt kept us from seeing many fish go through the dam's fish ladders.

We did get a kick out of teasing Rocky Reach personnel about the counter-claim of Chief Joseph Dam workmen, farther upstream.

There, Jim Green, project engineer, and others told us about the dam's near-tame marmots.

The marmots—or ground squirrels—appear each spring in the dam's fancy, green lawns to establish summer residence. By midsummer the furry little critters are so friendly, that Chief Joseph people argue their dam's motto should be "look a marmot in the eye."

The $273,100,000 Rocky Reach Dam's staff is not only fish conscious because of its fish ladder spy spot but because of a nearby fish rearing pond. There the PUD, with State Game Department help, is hoping to increase the salmon run in this part of the river.

Rocky Reach is becoming one of the more popular dams for tourists along this mighty river. The peak tourist year—reached not long ago—saw more than 300,000 visitors come to this site. And during the recent Wenatchee Apple Blossom Festival, 11,000 tourists came here during the two-day celebration.

Like many of the dams along the river, Rocky Reach is designed for expansion. Already work has begun on four more generators to add to the capacity of the seven now putting out power.

The big news when we hit Wenatchee today was the announcement from Washington, D.C., that the Army Corps of Engineers has recommended action to make the Columbia navigable as far upstream as this city.

Our corps representative on this trip, Dick Sellevold, was pleased, of course, by this word.

Sellevold, a Columbia history buff, also was eager as all get-out to talk to Jack Schneider's father, an East Wenatchee apple orchardist, about one of the old reports he came across in researching our expedition.

It was that recommendation—by a railroad executive to high national leaders—was made in 1921 and said that apple growing in the Wenatchee area would never be successful.

The senior Schneider, father of our Herald advertising salesman and boat skipper, snorted a reaction and then referred quickly to the current price and production of apples in this area.

'Nuff said.

Our camp last night was at Chelan Falls, in a sheltered Columbia eddy close to one of the oldest powerhouses on the river and near the gigantic and craggy canyon from which overflow waters of Lake Chelan are released into the Columbia.

Fish began jumping in the quiet waters at sunset and Bill Hill and Don Richardson quickly wetted lines. Richardson landed a squaw fish and Hill caught a Dolly Varden trout.

But even this first opportunity to try fishing couldn't keep them at it too long. We were all tired from a hot day on the river.

Schneider and I slept in the boat but that most restful rocking under the stars was disturbed at 3:30 in the morning when the rocking stopped.

The river level had dropped a couple of feet and we were high and dry on a sandbar.

We climbed out—wearing only our skivies—and started pushing. It was soon apparent that the boat was in no danger, the motor clear of the bottom, so went back to bed.

The Public Utility District in this upper Columbia region is angling for more fishermen, and for better steelhead trout to lure them here.

The bait is a half-million-dollar, new approach to fish rearing ponds.

A young fish biologist, David Prince, is managing the Douglas County-owned facility which is just above the confluence of the Okanogan and Columbia Rivers.

The rearing pond is a large, half-moon-shaped bypass of the Columbia which has been blocked at both ends by earthen dams.

Columbia waters can be let in and out of the pond, making a semi-natural rearing site for young fish.

Prince is a Washington State Department of Game fisheries manager who directs the state department's operation of the PUD-owned pond. This is the first full year of its operation.

Designed for rearing steelhead only, the facility will have 450,000 young fish planted there this year. After growth to size for release, the fish will be freed in the Okanogan and Methow Rivers.

Approximately 150,000 were turned loose in the Methow this season.

Prince is enthusiastic about his job, his first full management position. And although he knows he's on the spot because of the newness of this operation, he feels that it will be successful.

The pond, covering about 140 acres, is being tried as a replacement for the spawning and rearing grounds of the Columbia which have been destroyed by river changes.

Prince believes that the naturalness of this type of rearing pond will make stronger fish.

The biologist has worked hard to make this project worthwhile. From the eagerness, it appears that he almost babies his baby fish.

During last winter's heavy snows and extreme cold, Prince faced a crisis which could have meant disaster for his rearing pond.

The pond froze for a long period and then—because of melting snows which refroze—reached a point where there were three separate layers of ice and water. This caused the pond to lose its oxygen content, essential to the life of the fish.

Prince took his problem to officials of Chief Joseph Dam, upstream from his site. They, in turn, went clear to the Federal Power Commission in Washington, D.C., to obtain permission to release additional water through the dam.

The permission was gained, a two-foot surge of water was sent down from the dam, and the ice on Prince's pond was lifted enough to put the oxygen level back in balance.

NINTH DAY: COLUMBIA RUN

The first big city in our river cruise was passed today and we plunged again into a Columbia remoteness.

At Wenatchee we felt a bit like celebrities when a Wenatchee Daily World photographer came out to meet us and take a picture which showed up on page one that night.

It was here, too, that we saw the first of the industrial complexes which dot the middle and lower Columbia. A large open hearth silicate producing plant was belching smoke below Wenatchee.

And then we slid by the Alcoa aluminum plant at Malaga. Here aluminum ingots are prepared which—after rolling elsewhere—are returned to the Puget Sound country for use in Boeing's big airliners.

Above Wenatchee are acres of fruit orchards with neat rows of trees which go down to the river's edge. Below Wenatchee we began seeing orchards of miniature trees, trees trimmed to a lower height so picking is much easier.

Portaging of Rock Island Dam at Malaga made it five dams down, two to go in our dam-hopping operation. After that, however, there are four more dams but each has locks so our 18-foot boat will be in the water constantly from Priest Rapids on to the Pacific Ocean.

Below Rock Island Dam, the Columbia courses between huge rock cliffs more than a mile apart which gives graphic evidence of the river's might and size in centuries past.

Dick Sellevold, our Army Engineer crewman, says that Indian legends tell of mammoth floods in the 1700s, and early trappers recorded similar floods which filled these canyons in the early 1800s.

The cliffs rise approximately 700 feet now above the Columbia, with basalt formations showing the pressures of volcanic action and earth upheavals in prehistoric times.

We put in for the night at Crescent Bar, about 10 miles from Quincy. Here the Grant County PUD and the Port of Quincy have cooperated to develop a fine campground and boating facility.

It was packed when we arrived, apparently a travel trailer club was meeting there.

The grandeur of the Columbia, its cliffs and deep waters was spoiled a bit for us by the teenie bopper at this resort who roared about on noisy motorscooters and danced to loud rock 'n roll music.

That was forgotten, however, in a short run back up the river to the base of Rock Island Dam.

We talked of the pioneering history of the area and speculated about the stories of the settlers years ago who cached saddlebags of gold near here when fleeing from Indians. The gold never has been found.

A flash of sunlight on something metallic at the base of a river cliff led us to the deserted site of a cattle baron's home and a tiny community. Rising waters behind Wanapum Dam caused the abandonment of the place.

The surprising discovery—and the source of the binocular attraction—was the nearly intact body of a World War II training airplane.

We were told later that an airstrip once existed near there so someone must have flown the plane in years ago.

The area was the site of what is called "the old Spanish castle" because of the cattleman who owned the spread had built a Castillian-type home there. We also found abandoned and broken old water wagons and wrecks of vintage automobiles.

Not far from Crescent Bar was the site of the original town of Trinidad.

Robert Gillette, manager of Grant County Public Utility District, who came with PUD executive Clarence Bagnell to greet us, said that Trinidad was an Eastern mail order promotion. Land in the now abandoned town was sold to speculators and settlers sight-unseen.

Public utility districts in this part of the state do things never attempted by the Snohomish County PUD.

They are involved in fish production and camping promotion as well as electric power transmission.

In most instances, however, the PUDs have the cooperation and assistance of other agencies, including the state.

Fish rearing ponds to retain steelhead and salmon runs are owned by Okanogan, Douglas, Chelan and Grant County PUDs.

The Washington State Game Department furnishes fisheries experts to direct them.

Grant County is in the resort business in a big way with ownership of the Crescent Bar facility. It is operated, however, by the Port of Quincy.

The large island in the Columbia River has a golf course, camp grounds, restaurant boat marina and swimming area.

TENTH DAY: COLUMBIA RUN

The last of our portaging is over and sturdy, reliable "Missprint" is in the Columbia River to stay.

That is until Pacific Ocean waves splash at her bow.

Four more dams remain before our journey is ended but all four have locks so we'll cruise right through.

Portaging of Wanapum and Priest Rapids Dams—both Grant County PUD projects—involved towing the boat and trailer across tops of both dams. Grant County officials were most cooperative. They left a gate unlocked for us at the first dam and were on hand to help us at the lower dam.

The trip down from Crescent Bar took our crew through the last of the big and barren cliffs in this section of the river.

It was high on the face of one of those cliffs that what is believed to be the only standing petrified tree in the state was spotted. The upright tree trunk is partially buried in the canyon wall and partially free.

Ancient Indian writings also were found on the face of one of the rock walls.

Along this stretch of the river, too, was found the home of a couple of real pioneers, an elderly couple who have spent most of their lives in this rugged terrain.

The old man—with a stump of a pipe held firmly in his mouth—told of being brought to this Columbia homestead as a baby in his father's saddlebag. He said the saddlebag on the other side of the horse was filled with several puppies to balance the load.

A fine collection of petrified wood and Indian artifacts had been gathered by this man and wife and they gave several pieces of tree-turned-to-stone to Jack Schneider and Bill Hill.

An old Indian fishing spear found by the man in a cave had everyone of us glancing at the caves we spotted after that with the eagerness of anthropoligists on the prowl.

This was a real sagebrush campsite. The wind blew dust over and through everything; big black clouds rumbled across the skies.

And it started to rain just as we lit a lantern to eat our dinner of chili. The rain—the first we've encountered—kept up most of the night.

After dinner, we said a fond farewell to our Army Corps representative, Dick Sellevold. The Edmonds engineer, who has been a tremendous help and a welcome addition to our dam-hopping crew, is returning to Seattle.

But his replacement from the corps for tomorrow's trip through the AEC areas arrived in a rented car from Richland which Sellevold used to return to the Tri-Cities area airport. The new engineer, Patrick Keough, is another big, friendly man who should fit right in with our group—except that he's clean shaven.

At Vantage, where the cliffs are reduced to rolling, sagebush covered hills which dip to the river's edge, we found several good boat launching ramps and considerable civilization. The back-up lake above Wanapum is a popular water skiing and boating area.

It did seem a bit incongrous that a big sign reading "Danger, Rattlesnake Area" and only a few hundred yards away on the beach see dozens of pretty girls in the briefest of bikini bathing suits.

Dirty and bearded, we hardly fit in with the weekend crowd of sunbathers and picnickers. So we quickly shoved off again.

Our campsite was just above the bridge at Vernita which marks the beginning of the restricted area of the Atomic Energy Commission's Hanford Reservation.

Fish heading down the Columbia River and its tributaries face death in the spinning turbines of dams and from the same embolism (bends) which affects deepsea divers, changing depths too rapidly.

But many state and federal agencies are working hard to end these hazards.

We've seen some of these efforts during our dam-hopping cruise down the Columbia. And we've talked to many experts who are deeply involved in this work.

An experiment which is hoped will prevent young salmon and steelhead from being trapped in the dam turbines is under way this week at the new Ice Harbor Dam on the Snake River which joins the Columbia near the Tri-Cities.

The embolism danger—caused by excessive nitrogen content in the water from dam spillways—is forcing hatchery officials to delay releasing several million fish for the downriver migration.

But dam operators believe that once the full Columbia River dam system is completed and in proper use, the nitrogen problem will be solved.

Federal and state leaders involved in the construction and operation of the many dams on the Columbia and its tributaries know full-well that there is opposition to their work from conservationists and sports-commercial fishermen.

The dam forces are trying to protect fish runs.

However, fishing on the Northwest's mighty rivers probably will never be as it once was.

This doesn't necessarily mean that fishing will end. It will change. Migrations will be artificially induced, more fish will be hatchery started and pond reared.

The days of Indian fishing from rocks overlooking river rapids are gone forever. Reser-

voirs behind the dams have eliminated that activity.

But the same reservoirs provide constant hydroelectric power sources, flood control and recreational-commercial boating routes.

The test under way this week on the Snake River involves use of a new river screen to divert migrating fish up to slots in a sluiceway which would pass them safely around dam turbines.

As many as 15 to 30 per cent of fish facing each dam without such facilities may die.

Two of the Northwest's newer dams—John Day and Little Goose—have large pipes which provide a dam bypass for fish. But all the older dams are without such equipment.

If the test at Ice Harbor is successful, similar slots and sluiceways could be installed at all other dams.

In our trip down the hundreds of miles of the Columbia from Canada to the Pacific, we've seen county, state and federal agencies cooperate to experiment with new fish-saving plans. We've seen artificial hatcheries and rearing ponds; we've looked at rearing ponds made in as natural a condition as possible. We have viewed fish ladders for upstream movement and pipes or concrete sluiceways.

Most active in much of this work—aiding the states of Washington and Oregon and their counties—have been the U.S. Army Corps of Engineers and the U.S. Bureau of Wildlife and Fisheries.

In connection with the Snake River turbine sluiceway experiment is a project to construct the world's largest steelhead hatchery. This is being built by the engineers to be operated by the fisheries bureau.

ELEVENTH DAY: COLUMBIA RUN

Extension of upper Columbia navigation to Wenatchee is one step closer to reality with approval of the project by the chief of the Army Corps of Engineers.

This could eventually mean construction of the last possible dam—Ben Franklin—on the Columbia.

To open the river to navigation upstream as far as Wenatchee would necessitate channel improvements below Priest Rapids dam and installation of locks in three existing dams—Priest Rapids, Wanapum (owned by Grant County PUD), and Rock Island (owned by Cheland County PUD).

This observation was made by Richard P. Sellevold, project engineer, Seattle District, Army Corps of Engineers. Sellevold has been accompanying the Herald-Sun expeditionary force on a trip along the Columbia from Trail, B. C., to the mouth of the river.

There were two different plans recommended by the corps to bring navigation upstream to Wenatchee. Either, Sellevold says, is workable.

Plan Number 1 would include dredging of bars along a 57-mile stretch of the Columbia below Priest Rapids Dam, this plan calls for locks in Priest Rapids, Wanapum and Rock Island dams at a cost of $105 million.

On plan Number 2 the total cost of the project would be $107 million. This would include construction of the Ben Franklin lock and locks in the three other dams. If Ben Franklin Dam were constructed, Sellevold says, it would eliminate the need for most of the dredging of the channel.

Sellevold says Corps surveys indicate that maintaining the channel would be more economical with Ben Franklin Dam than without.

Opposition to the Ben Franklin project has stemmed mostly from conservationists who contend that the additional slack water is harmful to wildlife. It was in one of these slack water areas where we counted more more than 200 Canadian geese during our river trip.

A point the Bonneville Power Administration (BPA) raises is that Northwest power demands are steadily increasing. By 1974 there will be a demand for 83 per cent more power than there is today.

Ben Franklin would be a power producer.

Another indication of power needs is vividly evident in the construction of a third powerhouse at Grand Coulee.

At virtually all the dams on the Columbia, plans are in the hopper to increase their power output to meet the continuing increases in consumption.

At Chief Joseph Dam at Bridgeport there were provisions built in to increase its power output when the need arose. Eleven new generators will be installed here by 1976. This will bring the total generating units to 27.

It would seem that the Northwest is going to have more dams or more kerosene lamps as the population continues to expand.

Bonneville Power Administration surveys show that the annual increases in demands for electrical power are growing at the rate of about one million kilowatts. Ben Franklin's proposed 16 generating units would produce 3.7 billion kw annually.

As for the navigation project, Sellevold says the locks to be installed in the three existing dams would be 86 feet wide by 675 feet long. This brings us to a problem that has been kicked around for years.

Bonneville, first dam on the Columbia River, is the big bottleneck. Its locks are 10 feet narrower and 175 feet shorter than locks in The Dalles, John Day and McNary Dams.

Locks proposed in Priest Rapids, Wanapum, Rock Island and Ben Franklin (if it's ever built) would be of the larger variety.

Bonneville is a bottleneck on the Columbia.

But back when Bonneville was first proposed local interests fought a hard battle to get the locks enlarged to their present size. Now they are too small.

One river enthusiast advocates dynamiting Bonneville and "starting all over."

But the problem isn't that simple. There are advocates of a new dam with larger locks and advocates of simply larger locks.

There is a major item of work already planned as result of the Canadian treaty storage, and the advent of the peaking mode of operation of Columbia System power projects.

These plans include raising the spillway gates from 50 to 60 feet to regulate upstream peaking discharges from The Dalles and John Day dams. Individual gate hoists will be provided for six gates, according to D. W. Polivka, technical liaison officer for the Portland District, Army Corps of Engineers.

These modifications will raise the pool above Bonneville by about six feet, Polivka said, and will necessitate changes in fish ladders.

There is a possibility that a second powerhouse at Bonneville, now under study, could be so located to enable the corps to enlarge the locks.

Future of enlarged locks is hinged to construction of a second powerhouse planned for completion in 1977.

There's a stretch of water between the Vernita toll bridge and Richland that few public boaters have seen since the 1940s. This was the time of the Manhattan Project—the building of the world's first atomic bomb. It's best known today as the Hanford Works.

In passing through this 57-mile-long expanse of water, I couldn't help but wonder why these are restricted waters. Perhaps there has, and always will be, some danger in the handling of radioactive materials. Or it could be that too many boaters might wander ashore into areas where an unseen danger exists in the form of radiation.

Our boat and crew of four made the first such trip through the Hanford Works anyone in this area could recall in several years, aside from Corps of Engineers guided tours for conservationists.

Making the trip, aside from myself, were Don Richardson, Jack Schneider and Pat Keough, Army Corps of Engineers representative aboard for this stretch of river. Keough has been involved, along with Dick Sellevold, in survey and planning of this portion of the river's future. Bill Lipsky, fifth member of the expeditionary force, was wheeling our shore vehicle over this stretch of south central Washington landscape.

Within a short distance after entering the reservation we encountered the first two of nine nuclear reactors. Each covers a vast area and is identified by two tall smokestacks.

Less than 50 per cent of the facilities are in operation today and most important of these is the third complex downstream from the Vernita Bridge. This complex houses the Washington Public Power Supply System's generators which produce electricity by nuclear energy.

A large concrete structure on the river bank houses the pumps which carry water to the nuclear plants inland.

This was one stretch of the river all of our crew had looked forward to with great expectations. We expected to see an abundance of wildlife. This turned out to be two deer, sighted separately, a flock of 35–50 Canadian geese and some scattered pairs.

It was an extremely cold river ride and for the first time we encountered rain and difficulties in keeping camera lenses wiped clean.

Along the shore beside each of the nuclear plants were shoots of water, smaller, but resembling Old Faithful. These were described as a sort of relief vent for outfall water used as a coolant for the reactors.

Water flowing from the reactors, after the cooling cycle, is actually minute compared to the vast body of water this 95 degree discharge enters.

Such electricity-producing facilities, opponents of the proposed Ben Franklin Dam say, are much more "desirable than dams which produce power."

On the other hand, proponents of Ben Franklin Dam are saying that too many nuclear power-producing plants on the river are going to defeat the goals of conservationists whose aim is to preserve fish and wildlife.

Lowell Johnson, representing several groups opposed to the Ben Franklin Dam project which would be located a few miles upstream from Richland, talked with us the night before our trip through the Hanford area.

Johnson told us that this was not a good time of year to see the wildlife (deer and geese) along this stretch of the river. He was right. He also explained his groups' opposition to the Ben Franklin project—lack of need for additional electricity, destruction of a valuable refuge for wildlife, creation of more slack water on the Columbia and inundation of irreplaceable islands where goslings are hatched.

He also pointed out that many deer are dropping their fawns on islands to protect them from predators—man and beast. The two lone deer our party saw were on islands.

In the vicinity of the last deer sighting, we took a look at a grotesque remainder of a period 30-years in the past. The large shell of what was once a school house is about all that is left of the town of Hanford.

This once was a city of trailers and hastily built homes housing more than 50,000 workers on the Manhattan project. The school and a waterfront pumping house is about all that remains. A few hundred feet downstream is the Hanford ferry landing, long abandoned. Upstream an almost equal distance among some trees barren of leaves, a bald eagle circled a huge nest near the center of the grove.

This is the second bald eagle we have seen during this river trip. A third eagle was of the golden variety.

TWELFTH DAY: COLUMBIA RUN

The big river we're cruising falls more than 1,000 feet from the Canadian border to the Pacific, but we've noticed little of the descent so far.

Today, however, we took a drop of 92 feet all at once.

It was our first passage through the locks of one of this river's 11 dams. The lower four dams only have locks.

The trip through the McNary Dam locks was uneventful but interesting. Our 18-foot boat, which has seemed mighty large in some of the upper Columbia's narrow stretches, felt like a tiny peanut all alone in the lock as the plug was pulled to let water, boat and crew fall rapidly and steadily.

A group of touring school children stood at the rails of the lock as we started down. They cheered and waved and we grinned like dime novel heroes.

Then several of the youngsters thought it would be fun to spit down into the chasm of the lock.

Our "public" immediately became our enemy.

To reach McNary Dam and to glide through beautiful Umatilla Lake and between it and John Day Dam, we cruised 100 miles down river from the Tri-Cities area. In the Tri-Cities we saw the first real evidence of the Columbia as a watery arterial for commerce.

Tall grain storage silos were everywhere for the transportation of Inland Empire wheat to the coast. And oil and petroleum facilities for holding of fuels bound upstream from Vancouver-Portland are seen in abundance.

Barges, too, and tugboats testify to the river traffic now picking up.

We met a river traffic cop, in addition.

An Oregon State Patrol boat—we're in the section of the Columbia which borders the two states—hailed us in midstream to check our safety equipment.

John Day Dam is our target for tomorrow. A new dam, it backs up waters to form Umatilla Lake reservoir.

This reservoir's waters can really kick up when the wind whistles down the Columbia. Army Corps of Engineers officials told us of bucking 8 to 10-foot waves during bad blows.

But the reservoir was as placid as a mill pond when we came through.

We passed several small towns, including one—called Arlington—which was relocated a year ago when the John Day Dam waters began rising.

Our Corps of Engineers representative during this portion of the trip is Ivan Donaldson, biologist with more than 30 years' service with the corps.

A history buff, Donaldson's stories of Columbia River pioneers and wildlife kept us fascinated for many an hour.

While in the John Day reservoir, Donaldson told us of last year's Operation Goose Egg. With waters rising rapidly, a force of boatmen and helicopter pilots rushed to the marshy islands and beaches to collect the eggs of geese which nest there.

More than 3,000 eggs were saved and taken to hatcheries in other areas.

Donaldson also explained something we had seen up river near Wanapum Dam. There on a tiny island were dozens of platforms atop 15 to 20-foot posts. The platforms are intended as geese nests but it's not yet certain that the geese will approve of the artificial homes.

Ahead of us—at Bonneville's Dam's fish ponds—may be an opportunity to see some of the big sturgeon raised there.

Donaldson reported that the sturgeon in the lower Columbia sometimes grow to a large size and live to an old age. Law prohibits catching any of the fish shorter than three feet in length or longer than six feet.

In 1951, an Indian fisherman snagged a sturgeon near the Dalles Dam which was 11½ feet long and weighed 900 pounds. It contained 150 pounds of roe.

Donaldson—by scientific examination of fin sections which tell age like tree rings—found the big fish to be 82 years old.

Indian fishing on this section of the Columbia may provide a hazard for our Marysville-built boat. It is reported to us that fishing nets frequently extend out into the river with little or no markings, so we're keeping wary eyes open.

A complaint about this Umatilla Lake reservoir was voiced by skipper Jack Schneider who sees a need for improvement of navigational aids. There are few hard-to-find channel markers.

Boating seems destined to increase in all of the Columbia's reservoirs. Most officials recognize the need, therefore, for more camping and boating facilities and better navigational ads.

Clarence Scammons is an unusual man. He lives where Columbia River breakers can be heard day and night. And, at 75, neither Scammons nor his wife would entertain the idea of moving away from their riverside acreage seven miles north of Vantage.

When Wanapum Dam was being built a short distance below Vantage, Scammons had some 200 acres of land which he gave up in connection with the Wanapum project. Unlike most people who have to sell off land which is to be inundated by reservoir waters, Scammons is by no means a bitter man. "I get along with everybody," he says.

Since 1950, Scammons has been pursuing a hobby of collecting artifacts, Indian relics and petrified trees which seem to abound on his remaining property which stretches westward from the river.

Lining the shore alongside his small cabin are tons of petrified logs. He estimates he has collected more than 50 tons of the trees and that many more remain on his land. The collection has been labeled as priceless by geologists.

Scammons came to the river in 1898 when his family moved to a town, now inundated by Wanapum reservoir, known as Spanish Castle or Cape Point. He likes to recall that he made the trip in a saddlebag counterweighted on the opposite side of the horse by a saddlebag full of small puppies.

Scammons came to this part of the river in 1932. Here's where he will stay.

Aside from his collection of petrified tree logs, Scammons also has a wide assortment of artifacts. An unusual item is an Indian salmon spear he found in a cave 50 yards from his cabin 20 years after moving into the cabin.

"I just never got around to exploring that cave," he said.

One of his treasures is a piece of petrified wood sliced by saw from a log and polished to a high lustre. He also collects some unusual pieces of driftwood, an assortment of old trucks and thousands of arrowheads.

Visitors come to see Clarence Scammons collection by river and by car. The average is somewhere around 1,000 annually and there are no signs asking a contribution to the cause.

"Clarence wants only to share this wealth of historic trivia with everyone," Mrs. Scammons said. And geologists are glad he does. A visiting geological student termed the collection far more extensive than the one at Ginkgo State Park and "far more valuable for study."

Asked if a visitor could have a small sample, Clarence replied: "I've got lots of samples. Don't take those, I'll get some real good ones."

THIRTEENTH DAY: COLUMBIA RUN

We trade sagebrush for evergreens today and passed through the last three dams on this whopper of a river.

After a night camped at the juncture of the Columbia and the John Day Rivers—where we fell asleep to the near barnyard-like cacklings of wild Chukers—we started a long and fast downriver trip which ended at the Washington State Park Department's Beacon Rock camp ground, above Vancouver about 25 miles.

The John Day area has the brownish-red tint to sun-exposed hillsides and velvety-green to shaded areas that typify much of the eastern slopes this time of year.

And yet only a few miles downstream we returned to the timbered hills of the western side of the state.

While looking at those barren hills, we were reminded by Army engineer biologist Ivan Donaldson of the story of John Day himself, a trapper and Northwest pioneer.

Day—for whom at least one city and a dam are named—was captured by Indians who stripped him and turned him loose in the desolate sagebrush where he wandered for weeks before being rescued.

On this section of the river we are following the route of famed explorers Meriwether Lewis and George Clark. Our full trip, however, follows the course of a much lesser known but important Army Engineer pathfinder, Lt. Symons, who charted the full Columbia in 1881, traveling downriver in an Indian canoe.

We have Lt. Symons' charts and log aboard our boat for comparisons.

In this same general area, near the mouth of the Deschutes River, we could see faint lines leading down to the river from hilltops which told an equally exciting story. They are the remnants of traces left by covered wagon wheels of pioneers who came over the hump to the Promised Land of the West Coast.

As we moved through the last three dams—McNary, The Dalles and Bonneville—we encountered more and more river traffic. Big tugs with pilot houses high atop derricks pushed huge barges upstream.

Indian fishermen scurried about in outboard motor boats checking their fishnets which extend out into the Columbia at many points, marked haphazardly with old tire inner tubes or floating bleach bottles. A pair of such fishermen proudly held up several big salmon—one weighing at least 35 pounds—for us to see.

Many wild fowl also were spotted between McNary and Bonneville. And on the beach, the expedition's truck driver of the day saw birds of another color—the season's first tourists. Auto license plates from many states are gathering at Columbia scenic points.

Towns are getting closer together, too. And we're now not far from Oregon's largest city, Portland. We passed Harvey Aluminum Company's plant at The Dalles, Ore., and saw the spot in Washington's Klickatat County, across the river, where Harvey plans to build a new aluminum facility.

FOURTEENTH DAY: COLUMBIA RUN

Explorers Lewis and Clark slept not more than 100 yards from where we did last night during their historic trek west more than 163 years ago.

We thought of those famed men as we talked Columbia River history at our Beacon Rock campsite last night and again as we scrambled out of sleeping bags early today to head into the lower reaches of this mighty river.

Although the Lewis and Clark expedition of 1805–06 did much to firmly establish the United States claim to this Northwest area, other white men were here earlier and in just as an adventuresome way.

The Indians, of course, were here long before. Indian lore and hair-raising out-of-doors tales still are discussed.

Our Army Corps of Engineers representative in this area, Ivan Donaldson, told of a sighting only weeks ago of "Bigfoot," the half human-half-animal creature whose

tracks and appearances have stirred much of the West for years.

Bigfoot didn't show up but we got up early and turned our trusty 18-foot Reinell boat into choppy water of the Columbia Gorge.

It wasn't long before we left the grandeur of the gorge for the hustle and bustle of lower river barge traffic. At the Camas-Washougal area, we began running past the first of a series of palatial riverbank homes.

At the outskirts of the Portland-Vancouver complex, we knew we were in civilization when a jet airliner roared low overhead in approaching the Portland International Airport.

The Port of Vancouver was busy.

All docks at the port were filled with ocean-going vessels and six more big ships hung at anchor in the stream. Included was one Norwegian cargo ship I've seen in Everett and a Japanese vessel which carries Far East automobiles to these shores.

Remember when Everett was the unloading port for European-built automobiles?

Not far below Vancouver, however, we again returned to more pastoral scenery.

Sauvie Island—a long and beautiful stretch of land—begins in the Columbia just below the Willamette River's mouth. The Army Engineer traveler with us now, Allen Terry, told us how the island received its name.

A Frenchman named Sauvie was hired by the Hudson's Bay Co. years ago to establish a dairy on the island, not far from the British trading company's Fort Vancouver location. He was to produce butter for sale by the British to the Russians much farther north in this great wilderness.

Sauvie's Island, at the time of the Lewis and Clark trek west was home for an estimated 2,500 Indians who lived an easy life on fish, wild fowl and the Wapato or wild potato which grew in abundance in the island's tiny lakes and marshes.

Diseases brought by the white men killed nearly all of the Indians. And a white man who planted carp in an upstream area set the stage for the end of the Wapato.

A spring freshet broke out his dam, sending his carp downstream. The fish soon spread over much of the lower river area and ate up all the wild potatoes.

That Sauvie Island area is believed to have been at one time, one of the largest wildfowl refuges in the West.

Lewis and Clark camped on Sauvie Island after boating down from Beacon Rock. Their journal tells of the men being unable to sleep because of the noise of geese and ducks at night.

Down near St. Helens, Ore., we passed Warrior Rock, a stony pinnacle named when a British military man, Lieutenant Broughton, encountered a fleet of 150 Indian war canoes there. The Britisher bluffed his way past the war party, however, and none of his small group of explorers was harmed.

Today's cruise gave us a contrast. We heard of and saw places of historical interest; and we viewed signs of atomic age progress.

One of the most modern of concepts we encountered was the atomic age plan for installation of a nuclear generation plant on the Columbia at a place near Trojan, Ore., not far from St. Helens, Ore., and Longview, on the Washington side. Testing already is underway for the plant's erection. This site is high on the priority list of about a dozen such sites in the Northwest.

Another of the high priority sites, of course, is near Deception Pass in upper Puget Sound.

The four dams on the lower Columbia all have locks through which vessels pass on their way upstream or downstream. McNary locks is the first encountered on the way downstream and it's a huge system, but far short of the dramatic "presentation" put on by the John Day Dam—largest single lift system in the world.

The Dalles locks compare somewhat with McNary but the real bug-a-boo is at Bonneville.

At Bonneville the approach is made down the swiftwaters of the old abandoned Cascade Locks nearly three miles upstream—just beyond the Bridge of the Gods.

If ever the small boat was in danger during our two-weeks Columbia River journey, it was here where the swift waters slammed the 18-foot Reinell hard against the concrete walls approaching the entry way.

Without a horn we were unable to signal the locks tender and there was no signal system such as we had found at the three other locks.

Our Corps of Engineers representative aboard at this time, Ivan Donaldson, a fisheries biologist and Columbia River historian, ascended a ladder on the locks wall after a precarious maneuver by Jack Schneider, our boat skipper.

Donaldson leaped for the rails as the current slammed the boat hard against the wall.

After some frantic moments the boat was finally secured to the wall on the left bank. There was a delay in lockage due to upstream traffic piled up below the dam.

Our small craft provided a thrill for a visiting elementary class as we struggled, quite desperately, to secure the boat once inside the small locks. The water here was nearly as swift as it had been at the approach.

After passing through the three huge locks farther upstream, with some drops well over 250 feet, the 41-foot drop at Bonneville was not very dramatic.

The locks are surprisingly small. They are 75 by 500 feet compared with 86 by 675 feet at the three other locks farther upstream. The difference of 11 feet in width is not nearly as noticeable as the difference of 175 feet in length.

Our small boat, alone in the locks during every passage, seemed crowded at Bonneville in comparison with the locks farther upstream. This is where the rub, literally, begins with barge traffic.

Bonneville Locks are a victim of planned obsolescence. Being the first dam on the river it establishes the size of loads to pass through the larger locks at The Dalles, John Day and McNary.

The Army Corps of Engineers continues to study new locks for Bonneville in connection with a second powerhouse. With approval of the corps' Chief Engineer in Washington and navigation upstream to Wenatchee, it hardly seems likely Bonneville locks are going to continue to "call the shots" on barge sizes.

There must be some kind of irony in the fact that though Bonneville's locks are the shortest, lowest and narrowest, it is the only one capable of passing ships with drafts of up to 15 feet of water.

FIFTEENTH DAY: COLUMBIA RUN

We made our dash to the sea today.

And with the run from Longview to the Columbia River bar at the shore of the Pacific Ocean came an end to a 900-mile odyssey.

None of our crew really wanted it to end. The trip down one of the world's mightiest rivers was something we'll never forget.

We ended the journey on just as modern a navigational note as the beginning had been a pioneering one.

For much of our up river cruising we used the 1881 charts prepared by Army Engineer Lt. James Symons. The last 100 miles were covered with the aid of 1966 aerial photomaps made by present-day Army Corps of Engineers personnel.

Both were exceptionally accurate.

The final leg of our trip was begun after a night in a Longview motel. Our 18-foot boat, however, were berthed across the Columbia in Rainier, Ore., since Longview—a busy commercial port—has little in the way of pleasurecraft moorage.

Aboard for the last day was engineer Allen Terry, a dredging expert on the lower Columbia. He's also an old Merchant Marine seaman and a native of the southwest Washington area.

Terry pointed out the piling stub ends in dozens of river coves where fishing canneries and logging camps once abounded. He estimated that in past years there were hundreds of such small enterprises on the Columbia from the Vancouver-Portland area to Astoria.

Many of the river fishermen then used teams of horses to pull in nets which had been extended and circled by small boats. We saw the remnants of several barns and corrals at such sites.

And scattered between the logging and fishing camps were several little towns that had been rip-roaring centers of sin and relaxation for hard-working woods and rivermen in past years. The tiny communities are sedately quiet now.

The Columbia estuary can really kick up with high winds but we were fortunate in our trip to right down to our last docking at Ilwaco. The wind had been blowing gently from the east for two days.

But to make certain, Skipper Jack Schneider—at Terry's suggestion and invitation—pulled our boat up to the big Army dredge boat Wahkiakum in the center of the river upstream from Astoria.

The water was bouncy and we got a bit wet getting tied up. Several husky and life-jacketed Army Engineers men scrambled over the dredge's pipelines to help us with lines.

Then we climbed aboard the big dredge—built as a steam-powered vessel in 1913—to enjoy a warm cup of coffee with the captain.

With word that the mouth of the Columbia would be safe for several more hours, we soon left for the last few miles of our trip.

The engine revved up, we charged across the near five-mile mouth of the Columbia. Only a hundred yards or so from our destination, we brushed over the top of a new sandbar, kicked mud and sand with the prop and came to a quick stop to check for damage.

It was then that Bill Hill—driving the truck this day—called over the radio to urgently ask our location and the reason for our delay. He'd been considering telephoning the Coast Guard, he said later.

But things were fine.

We edged into an Ilwaco dock to be lifted from the water in grand style by one of the friendly operators of Ilwaco's many charter fishing businesses which have boat cranes.

The last day's run was under overcast skies, the second we had seen on the trip. But the cloudy gloom and the sadness of the journey's end didn't deter our enjoyment.

We met big oceanliners coming up river; we saw more pastorial areas; we watched dozens of fishermen casting lines from newly created beaches.

And we learned more history. Engineer Terry pointed out Puget Island in the lower Columbia, an island labeled after the same mariner whose name was given to our own inland sea.

Terry also showed us a rocky beach at the base of a cliff where explorers Lewis and Clark were marooned for six days by storms in 1805.

Lewis and Clark, Lieutenant Symons and other early river runners never had the comfort and safety we did in our trip. But we'll wager they were no more impressed by the mighty Columbia than we.

One can't help but cast a jaundiced eye at the idea a man and his wife can "run" the Columbia River in their cabin cruiser as routinely as going to the neighborhood grocery store.

But such an idea is often talked up.

Firsthand experience tells us there is nothing routine about boating the Columbia

from Trail, B.C., to its mouth at Cape Disappointment. There's not a man among the five aboard our 18-foot Reinell that will tell you this job is a routine one. If someone else should tell you to the contrary, consider these factors:

I spent two months planning our two week trip. Stretches of the river had to be "scouted" by car for a first-hand look at some precarious waters that have cost lives of unwary boaters and equipment.

Details had to be worked out for problems like portaging, gasoline supply and getting it to the boat, and personal contacts with people whom we could rely on to come to our rescue in event of overwhelming problems.

And there have been problems, and a lot of people have come to our rescue particularly on portaging where our positive traction truck could not handle the job of recovering our boat.

Our job has not been a race against time but one of documentation of river events in as safe and sane a manner as possible.

There have been some indications that all one has to do is put his boat in the water at Ilwaco, for example, and push the bow against the current.

This is true to a certain point. The first four dams up the Columbia from Ilwaco have locks. Bonneville, The Dallas, John Day and McNary dams. Through these locks one can boat all the way to Richland without any difficulty. But that's a long way from the Canadian border.

At Richland, there's a 57-mile stretch of water under control of the Atomic Energy Commission (AEC) and boating through this expanse of water is by permission only.

There are no facilities below or above the Priest Rapids Dam to take a boat out of the water or return it to water. The nearest place would be within few miles of the dam. But to do this would require a shore vehicle (as we are using) as this area is total desolation, except for the toll bridge at Vernita.

Here one could call a tow truck and trailer to effect portage, but our examination of this possibility indicated that no such service exists. If it had we would have faced the problem of boat size matching the trailer.

Not the least of problems one encounters is the business of refueling. We have carried five cans of gasoline (5 gallons sizes) and without our land vehicle it would have been impossible to maintain the supply.

In certain reaches of the river there are marinas but these are few and it's a long way between them. The distance between Richland and Grand Coulee where the seven dams without locks are located totals about 275 miles.

If present plans to install locks in Priest Rapids, Wanapum and Rock Island Dams materialize, 125 miles of additional boating pleasure will be added to the river. Then the boater can put in at Ilwaco and cruise 465 miles without pulling his boat from the water.

For the boating enthusiast who spends a lot of time on his vessel there's a boater's paradise in Lake Roosevelt (when the reservoir is full). Oddly enough there are few boaters per acre of water due primarily to sparseness at population in this section of Washington State.

Development of marinas has, however, been slow in coming. By the time the boating crowd discovers and converges on Roosevelt Lake there will no doubt be a surge in building of facilities to make boating more pleasurable in this area.

BACK AT HOME

With approximately 900 miles of Columbia River under our keel, we Herald dam hoppers feel convinced that Washington State and the Pacific Northwest has a watery asset second to none in the world.

The Columbia River flows 1,215 miles from its first beginning high in British Columbia Canada to the Pacific Ocean at Astoria, Ore. The drainage area includes much of Washington, Oregon, Idaho and British Columbia, and some parts of Montana.

More than 40,000 square miles of drainage area is in Canada and 219,500 square miles of drainage in this nation.

We cruised the mighty Columbia from above the U.S.-Canadian border to the river's five-mile-wide mouth at Astoria-Ilwaco.

The Columbia has changed drastically in the past 30 years.

Prior to that time, the river ran fast and free. Since then 11 dams have been constructed—there is talk of a 12th—to furnish hydroelectric generation, flood control, crop irrigation, and recreational-commercial waterways.

The river still runs fast though it is deeper because of backed-up waters, and it still runs reasonably free despite the dams.

We left the river feeling that the changes made along this regional, watery necklace are good. Washington State and the Pacific Northwest could never have grown to its present stature without low-cost electric power, land irrigation and navigational improvement.

Population pressures now mounting will require that we in the Northwest look even more closely to the Columbia for sustenance.

And it means that we will have to be aware also of those elsewhere who are looking to the Columbia.

Continued opposition to plans for diversion of Columbia waters to the Southwestern United States seems imperative.

Despite our pleasure in first-hand discovery of the benefits from Columbia changes, we see the need for more. And at the same time we see danger in alterations to the river that are not thought out, not weighed against possible side-effects of a detrimental nature.

After taking our small boat down much of the river's length, we see room for navigational improvements.

Following discussions with dozens of persons, we see a need for continued expansion of hydroelectric facilities.

We also believe that the river must play a role in new nuclear power generation.

And—without any contradiction with these other convictions—we feel there must be greater attention paid to the Columbia fishery.

A nation that can send men to the moon should have the scientific capability of controlling earthbound environments. The Columbia, as mighty as it is, can be twisted, turned, ruled and made compatible to the needs of humans and wildlife alike.

Certainly the river and the lands around it will never be the same. We marveled at the history of the Columbia as we cruised downstream.

Indians, pioneers, fish runs of a size that stagger the imagination. These are things of the past, things we should not forget but things that will not return.

In remembering, we should not despair.

The Columbia—if conservationists and industrialists will learn to more fully cooperate—can do something for everyone.

We found many shoals blocking such development:

Too strenuous a bias on the part of both conservationists and industrialists, provincialism by persons within counties of this state and those of other states in the Columbia basin, lack of long-range goals and planning, and that old bugaboo, governmental red tape and budget slashing.

We also saw beacons of encouragement.

Dedicated men of many agencies are aware of the Columbia's potentials and needs. We were impressed by the actions and aspirations of certain men in the Army Corps of Engineers, the Bureau of Reclamation, county public utility districts, sports and fishing groups, federal and state park departments and the federal and state wildlife organizations.

The Columbia River cruise with its dam-hopping and locks passages is over for our Herald news-photo team but the memory certainly will linger.

Information we gained will provide background for many stories to come.

Now that the trip is ended—with its share of frustrations and a big slice of adventure—we think back with great appreciation to many individuals and groups for assistance.

First and most importantly, Herald-Western Sun Publisher Robert Best gave us the go-ahead and encouragement.

Then the U.S. Army Corps of Engineers was quick to offer co-operation and to send five of its top men—river experts all—to accompany us during different phases of the trip.

Officials from the U.S. Bureau of Reclamation, Public Utility Districts in Chelan, Grant and Douglas counties provided valuable information and assistance.

We met fine cooperation from personnel of the National Park Service, the Washington State Park Department, the Washington Game Department and the U.S. Atomic Energy Commission.

Sen. Henry Jackson and Congressman Lloyd Meeds made inquiries for us of several federal agencies.

And many Snohomish County individuals and firms came to our rescue.

Larry Mayle, vice president of Reinell Boat Co., in Marysville, was the visionary who agreed with us about the trip's value at the outset. He furnished the 18-foot inboard-outboard motor boat with which we made the trip. That boat—we nicknamed it "Missprint"—now is on display at the House of Boats on So. Evergreen Way.

Then Bob Copeland, of Cordz Auto Electric Co., supplied us with a kit of motor replacement parts to carry for emergencies. Luckily we had to use none of the parts.

Everett Coast Guardsmen offered advice. Everett Yacht Club Commodore Bob Phillips loaned us two walkie-talkie radios.

Many others were equally eager to help. Without them, we'd have been in trouble.

THE MILITARY JUSTICE ACT OF 1968

Mr. ERVIN. Mr. President, the Wake Forest Intramural Law Review for May 1969, published an article written by me, entitled "The Military Justice Act of 1968."

Since the article explains the background and the provisions of this act, I ask unanimous consent that it be printed in the body of the RECORD.

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

THE MILITARY JUSTICE ACT OF 1968

(By SAM J. ERVIN, JR., U.S. Senator, North Carolina. A.B., University of North Carolina at Chapel Hill; LL.B., Harvard University)

It has been charged recently that military courts are to justice what military bands are to music. This was unquestionably true prior to enactment in 1950 of the Uniform Code of Military Justice,[1] and was to some extent truly under the Uniform Code. However, upon enactment last year of the Military Justice Act of 1968,[2] the first major reform of the military justice system in almost two decades, military justice attained virtual parity with civilian criminal justice. This article will discuss the major provisions of that Act, their background, and the promise they hold for significant improvements in the

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Footnotes at end of article.

brand of justice afforded by military criminal courts.

I. BACKGROUND

Prior to 1950 the American in uniform had been at the mercy of legal procedures little changed since before the Revolutionary War, procedures originally designed for mercenaries—not for citizen soldiers loath to give up the rights they were defending. So antiquated and unjust was the system that after World War II a great protest came from returning veterans demanding reforms which would guarantee to servicemen basic principles of due process of law. This outcry resulted in the adoption of the Uniform Code.[3] It represented a revolution in military law, and in many respects contained due process safeguards not then guaranteed in civilian courts. For example, the right to legally qualified counsel was made mandatory in general court-martial cases[4] thirteen years before the Supreme Court's famous *Gideon*[5] ruling in 1963 extended this right to state court felony trials. Servicemen under investigation for criminal offenses under the Code were entitled to be informed of the nature of the suspected offense, and to be advised that they need not make a statement, and that any statement made might be used in evidence against them[6] fifteen years before the *Miranda*[7] ruling secured these rights to suspects in state criminal proceedings.

During the eighteen years between the effective date of the Uniform Code and the enactment of the 1968 Act, however, many advances were made in the administration of criminal justice by civilian courts that were not reflected in similar advances in military court proceedings. In addition, extended experience with the Uniform Code had revealed defects and made apparent the need for its modification and reform. To correct those deficiencies and return military justice to the leading position in American law it had attained in 1950 with enactment of the Uniform Code, Congress enacted the Military Justice Act of 1968.

II. LEGISLATIVE HISTORY

When the President signed the Military Justice Act on October 24, 1968, the legislation had been the subject of two rounds of hearings in the Senate and one in the House of Representatives and intensive study and investigation by the Subcommittee on Constitutional Rights over a period of almost ten years. In spite of the controversial nature of many of the reforms and concerted resistance to some or all of them by the armed services virtually until the eve of enactment, the bill passed unanimously in both the Senate and the House. The progress of the legislation from idea to enactment is an interesting story; it may shed some light on why it did not happen earlier and why it happened so smoothly when it did.

In 1962, following hundreds of complaints from servicemen and their families and an intensive field investigation, the Subcommittee on Constitutional Rights held its first hearing on military justice.[8] Testimony was received from witnesses with a wide range of experience in military law, both within and outside of the military. After the hearings a comprehensive questionnaire was sent to each of the services which developed additional information on particular problem areas in military law highlighted by the hearings. The published hearings consisted of almost 1000 pages. A summary report of the hearings published in 1963[9] presented the Subcommittee's conclusions and recommendations.

Based upon this groundwork, I introduced on August 6, 1963, eighteen separate legislative proposals designed to protect the constitutional rights of servicemen and to perfect the administration of justice in the armed forces.[10] On September 25, 1963, Representative Victor Wickersham of Oklahoma introduced identical bills in the House of Representatives.[11] During the succeeding months these proposals were subjected to intensive study by both military and civilian experts. Alternative suggestions and revised language were submitted from many sources.

On January 26, 1965, shortly after the 89th Congress convened, I again introduced the eighteen proposals of the prior Congress[12] and later, on February 9, 1966, I introduced two much less inclusive proposals drafted and supported by the Department of Defense and introduced previously in the House of Representatives by Congressman Charles E. Bennett of Florida, who had long been interested in the rights of servicemen.[13] All of the Senate bills providing for changes in military law and administrative discharge proceedings were referred to the Senate Armed Services Committee, of which I am a member. Although there was no disposition to have Committee hearings on the bills, upon my urging the Committee Chairman agreed to appoint a special subcommittee of the Armed Services Committee to join the Subcommittee on Constitutional Rights in joint hearings on the bills, under my chairmanship, with the understanding, of course, that the bills could be reported to the Senate floor only by vote of the Armed Services Committee.

The joint hearings were held in January and March of 1966.[14] The Subcommittees received testimony from twenty-eight witnesses, including Assistant Secretary of Defense Thomas Morris, the Judge Advocate General of each of the military services, the judges of the Court of Military Appeals, law professors, and private practitioners of military law. The record extended over 1000 pages, including an extensive appendix, and over 200 pages of data submitted by the services in response to two additional detailed questionnaires.

In the months following these hearings, I drafted a bill to combine in one comprehensive package those proposed changes in military law which, over the course of the entire study, had proved to be necessary and beneficial. The result was that on June 26, 1967, I introduced an omnibus military justice bill, S. 2009 of the 90th Congress, consisting of five titles, title III of which was concerned with revisions of the court-martial system. Since most of the proposed revisions, including amendments to the Uniform Code to increase the right to legally qualified defense counsel and to provide lawyers as presiding officers in courts-martial, were extremly controversial within the armed services and were opposed by the Department of Defense, it proved impossible during the remainder of the first session of the 90th Congress to gather enough support on the Armed Services Committee to get the bills reported.

Subsequently, on March 14, 1968, Congressman Bennett introduced H.R. 15971, a bill supported by the Department of Defense designed to make a few non-controversial changes in court-martial procedures, but containing few of the more extensive reforms enbodied in S. 2009. The House Committee on Armed Services favorably reported the bill, with minor amendments,[15] and it passed the House of Representatives on June 3, 1968.

The bill, as passed by the House and sent to the Senate, in my view did not contain the minimum reforms necessary in any meaningful military justice legislation. However, because the bill did contain some revisions in court procedures desired by the Department of Defense, I was hopeful that it could be used as the vehicle for a more extensive reform bill. Because of the lateness of the second session of the 90th Congress it was apparent that passage of any bill at all might be jeopardized by Senate amendments objectionable to the Department of Defense. I therefore arranged several conferences with representatives of the Department of Defense, including Major General Kenneth J. Hodson, the Judge Advocate General of the Army, who was informally authorized to negotiate for all of the services, with a view toward reaching agreement on incorporating into the legislation the most essential provisions which had been recommended by the Constitutional Rights Subcommittee and included in S. 2009, and which I considered indispensable, but which were not contained in the House-passed bill. As a result of these conferences, I drafted a series of amendments to the bill. These amendments were carefully studied and discussed by each of the armed services and informally approved by them. On the basis of this informal service approval, the amendments were adopted by the Armed Services Committee; and the bill as reported by the Committee was then officially approved by the Department of Defense.

On October 3, 1968, the Senate unanimously passed the bill as reported.[16] Upon the urging of Congressman Bennett[17] and others, the House of Representatives unanimously accepted the Senate amendments on October 10, 1968.[18] Thus, the Military Justice Act of 1968, the first major revision of the military court-martial system since 1950, containing controversial amendments that many members of Congress had pressed for unsuccessfully for almost a decade, was passed by both Houses of the Congress without a single dissenting vote.

III. COURT-MARTIAL STRUCTURE UNDER THE UNIFORM CODE

Before discussing the changes in the court-martial system made by the 1968 Act, it may be helpful to describe briefly the three military criminal courts provided for by the Uniform Code: the general court-martial, the special court-martial and the summary court-martial.

The general court-martial, the highest military trial court, consists of not less than five members and a legally-trained law officer. This court is the court of general criminal jurisdiction which is normally used to try serious crimes and is empowered to adjudge all sentences authorized by the Uniform Code of Military Justice including life imprisonment and death. The law officer advises the court on legal matters and performs some of the functions performed by a judge in civilian criminal trials, although one of the non-lawyer members of the court is the presiding officer. Both the government and the accused are represented by legally qualified counsel and several levels of appellate review are provided. A verbatim transcript of the proceedings is made for review purposes.

The special court-martial, consisting of not less than three members, has jurisdiction over all noncapital offenses under the Uniform Code, but is limited to adjudging a maximum punishment of a bad conduct discharge, forfeiture of two-thirds pay per month for six months, or confinement for six months. A bad conduct discharge may not be adjudged unless a verbatim transcript of the proceedings and testimony has been made. The accused is not entitled to government appointed legal counsel and in most cases he is defended by non-lawyer "counsel." No law officer is detailed to the trial and, except in bad conduct discharge cases, no verbatim record is kept; hence, appellate review is severely limited by the haphazard and scanty nature of the record.

The summary court-martial consists of one non-lawyer commisioned officer who acts as prosecutor, defense counsel, judge and jury. The maximum punishment imposable by this court is reduction in rank, confinement for one month and forfeiture of two-thirds of one month's pay.

IV. MAJOR AMENDMENTS MADE BY THE MILITARY JUSTICE ACT OF 1968

In general terms the Military Justice Act of 1968 makes nine major changes in the Uniform Code of Military Justice:

Footnotes at end of article.

(1) It provides that legally qualified counsel must represent an accused before any special court-martial empowered to adjudge a bad conduct discharge; in other special courts-martial, legally qualified counsel must be detailed to represent the accused unless unavailable because of military conditions. In addition, a military judge must preside over a special court-martial empowered to adjudge a bad conduct discharge unless unavailable because of military conditions.

(2) It creates an independent judiciary for the armed services, composed of military judges who are insulated from control by line commanders and who will now preside over military trials with functions and powers roughly equivalent to those exercised by federal district court judges.

(3) It modernizes outmoded and cumbersome military trial procedures to conform more closely with federal court practices.

(4) It permits an accused to waive trial by the full court and to be tried by a military judge sitting alone, much as a civilian defendant can waive a jury trial and be tried by the judge alone.

(5) It strengthens the bans against command interference with military justice.

(6) It bars trial by summary court-martial—where there is no right to defense counsel, no independent judge, and no jury—if the accused objects.

(7) It transforms the intermediate appellate bodies from "Boards of Review" into "Courts of Military Review" with independent military judges.

(8) It authorizes for the first time a military form of release from confinement pending appeal.

(9) It extends the time limit for petitioning for a new trial from one to two years, and strengthens other post-conviction remedies available to servicemen.

A. Legally qualified defense counsel

Perhaps the most important provisions of the Act are those that increase the availability of legally qualified counsel to represent defendants before special courts-martial. For this reason, I shall discuss these provisions in somewhat more detail than the other provisions of the Act.

As noted above, the special court-martial is the intermediate military court, between the general court-martial which tries serious offenses and can impose heavy sentences and the summary court-martial which tries very minor offenses and is empowered to impose only minor punishments. Although the Uniform Code originally provided that an accused in a general court-martial must be represented by lawyer counsel,[19] it provided that an accused in a special court-martial may be represented by his own hired civilian lawyer or by a military lawyer of his selection "if reasonably available," or, otherwise, by an appointed nonlawyer counsel.[20] Since most servicemen cannot afford to hire a civilian lawyer and since the services (with the exception of the Air Force) have generally taken the position that military lawyers are "unavailable" for assignment as defense counsel in special courts-martial,[21] the overwhelming majority of servicemen tried by special courts are represented by nonlawyer officers who know next to nothing about military law. Since the special court-martial is the most used of the three military courts,[22] the absence of a requirement for lawyer defense counsel in these tribunals is particularly significant.

The justification for the failure of Congress in 1950 to require lawyer counsel in special courts-martial was that such courts were then considered to be in the nature of "disciplinary" proceedings without complicated legal procedures, empowered to try only less serious offenses and to adjudge limited punishments. Moreover, the military right to counsel in general courts-martial exceeded the right to counsel provided in most state and federal courts at the time of the enactment of the Uniform Code. Neither of these justifications is valid today. The special court-martial has evolved into a complicated legal proceeding, purporting to provide a full jury trial and to insure due process, and bound by legal statutes and precedents. Complex legal problems of admissibility of evidence, interpretation of laws and regulations, and instructions and charges arise frequently in these courts. Although the majority of special courts-martial involve such less serious and "non-civilian" offenses as AWOL, drunkenness, breaking restrictions and destruction of government property, special courts have jurisdiction to try all noncapital offenses under the Uniform Code and do often try such felonious crimes as manslaughter, grant larceny and aggravated assault. Moreover, although the six-months maximum confinement authority of such courts is not particularly great, they are empowered to adjudge a bad conduct discharge which is a lifetime liability since it carries a stigma equivalent to that of a dishonorable discharge adjudged by a general court-martial.[23] There is little question, then, that most special courts-martial are complex and serious enough proceedings to warrant a requirement that the accused be represented by a lawyer who understands the role of statutes and precedents, is familiar with legal defenses and the rules of evidence, and knows at least the basic concepts of constitutional law. It is sheer fantasy, in my view, to contend that a veterinary officer or a transportation officer who has read a few pages of the Uniform Code and the *Manual for Courts-Martial* can adequately represent a defendant in such a proceeding.

In addition, the right to counsel in civilian courts has greatly increased in the eighteen years since enactment of the Uniform Code. Under the decision in *Gideon v. Wainwright* [24] and related decisions, indigents in state and federal civilian courts are now entitled to free legal counsel in felony cases, and some federal and state courts have extended the right to nonfelony trials. Since the military has taken the position that the *Gideon* rule does not apply to courts-martial and has made no move to provide lawyer counsel in all special courts, the military now finds itself lagging far behind the civilian courts in respect to this vital constitutional guarantee. In fact, under a 1967 decision by the Court of Military Appeals applying the *Miranda* principles to military interrogation procedures,[25] the military is now in the anomalous position of providing a serviceman a lawyer during interrogation but not during his trial, if trial is by special court-martial.

I have long been of the opinion that lawyer defense counsel should be provided in all special courts-martial. I recognize that such a requirement would greatly increase the manpower needs of the JAG Corps in the services, and that there would be difficutly, in the Navy in particular, in providing lawyer defense counsel in special courts in geographically isolated commands and in ships at sea. However, I believe these logistical problems can be solved with enough effort and imagination,[26] and the manpower problems can be dealt with by expanding the JAG Corps and by using non-JAG military lawyers to serve as defense counsel in special courts-martial.[27]

Although the armed services for many years resisted any proposals for requiring lawyer defense counsel in special courts-martial, they finally agreed to support a proposal limited to special courts-martial empowered to adjudge bad conduct discharges. The House-passed bill contained such a provision. I felt, however, that such a limited requirement would not substantially remedy the serious problems posed by special courts-martial without lawyer defense counsel. It would not affect the Army at all, since the Army does not permit its special courts to adjudge bad conduct discharges.[28] The Air Force claims already to provide lawyers for the defense in all special courts.[29] Only the Navy would be affected, and the effect could be avoided altogether by not referring bad conduct discharge cases to special courts, as in the Army. I therefore found the House provision unacceptable. However, because of the admittedly serious manpower problems that would arise from a blanket requirement of defense lawyers in all special courts-martial, and because of the need to avoid a provision that would be flatly resisted by the armed services and might jeopardize passage of a military justice bill, I sought a compromise solution that would offer the most improvement possible under the circumstances. That compromise was agreed upon in the sessions with General Hodson and was embodied in the bill that was reported by the Senate Armed Services Committee and eventually was enacted into law.

The provision that lawyer defense counsel be mandatorily required only in special courts-martial empowered to adjudge bad conduct discharges was retained.[30] In all other special courts-martial lawyer defense counsel must be provided, unless waived by the accused, except when such counsel "cannot be obtained on account of physical conditions of military exigencies," in which case the commander ordering the trial in the absence of a defense lawyer must make "a detailed written statement, to be appended to the record, stating why [lawyer defense counsel] could not be obtained." [31] The Senate Report on the bill makes it clear that the requirement for lawyer defense counsel in special courts-martial not empowered to adjudge punitive discharges is intended to be mandatory except in the most unusual cases of genuine unavailability because of such things as geographical isolation or combat conditions.[32] The requirement that a written statement of the circumstances justifying unavailability be appended to the record is intended to subject command decisions not to detail lawyers to special courts to critical appellate scrutiny with a view to developing a line of decisions severely restricting resort to the unavailability exception.

It should be kept in mind that the exception in cases of unavailability and the provision for waiver by the accused do not apply in special courts-martial empowered to adjudge bad conduct discharges. In such trials, legally qualified counsel must be detailed to represent the accused without exception and with no provision for waiver by the accused. Many young servicemen are too immature to appreciate the value of legal counsel or to comprehend the permanent stigma of a punitive discharge, and should not be permitted to make a possibly unwise waiver under such circumstances, in my opinion.

I am hopeful that these provisions will substantially increase defense representation by lawyers in all kinds of special courts-martial while allowing the flexibility necessary to permit the armed services to build up their reservoirs of defense lawyers and solve their logistical problems. The Subcommittee on Constitutional Rights will monitor closely the manner in which these provisions are enforced over the next year or so to assure that the armed services endeavor to effectuate the intended reforms rather than evade them.

B. Military judges

Clearly the next most important changes made by the Act are those that increase the participation of law officers in courts-martial, enhance their prestige, and further safeguard their independence from unlawful command influence.

To increase the prestige of these legal officers who preside over courts-martial and

Footnotes at end of article.

to reflect more accurately their increased powers and functions under other provisions of the Act, the old designation of "law officer" is changed to "military judge" wherever it appears in the Uniform Code or elsewhere in the law.[33] These military judges will be commissioned officers who are members of the bar of a federal court or of the highest court of a state and who are certified for duty as military judges by the appropriate Judge Advocate General.[34] They will preside over courts-martial to which they are assigned much as a federal district court judge does, with roughly equivalent powers and functions. They will, for example, rule with finality on all questions of law, decide on requests for continuances, rule on challenges to members, instruct the members on the applicable law, and, under new provisions discussed below, conduct pretrial sessions without the attendence of members of the court for the purpose of ruling on preliminary matters and performing generally the functions performed in pretrial sessions conducted by federal district court judges.

As noted above, the Uniform Code has always required that a law officer be detailed to a general court-martial but not to a special court-martial. For the same reasons that I have felt legally qualified defense counsel to be necessary in special courts-martial. I have felt that law officers should be detailed to such courts, especially when they are empowered to adjudge bad conduct discharges. The armed services have opposed any such requirement, for the same reasons that they have opposed a requirement that lawyer defense counsel be detailed to all special courts-martial. However, in recent years, the Department of Defense has supported a proposed amendment to the Uniform Code to permit the trial to accused servicemen by general and special courts-martial consisting of a law officer sitting alone much as a federal district court judge may conduct a trial without a jury. The House-passed bill contained an amendment authorizing such trials (discussed below) and also contained a provision permitting the detailing of a law officer to a special court-martial for that purpose. Consequently, the bill provided the vehicle for a more extensive reform of the Uniform Code with respect to the assignment of law officers to special courts-martial; but, again, any amendments to that effect would need to be more or less acceptable to the armed services to avoid seriously diminishing the likelihood of eventual passage of the bill. This problem was the subject of extended discussion during the sessions with General Hodson and his associates. Again, we were able to agree on a compromise which was supported eventually by the Department of Defense and was included in the bill as passed by both houses and enacted into law.

The provisions of the Act relating to this subject require the assignment of a military judge to any special court-martial empowered to adjudge a bad conduct discharge, except when one is unavailable because of physical conditions or military exigencies, in which case a written explanatory statement by the convening commander must be appended to the record.[35] The Senate Report emphasizes that military judges must be assigned to all such courts, if at all possible, because of the seriousness of a punitive discharge, and particularly since, under other provisions of the Act, both the government and the defense will now be represented by lawyers in such trials.[36] It is contemplated that, as in the case of assignment of lawyer defense counsel to special courts-martial other than those empowered to adjudge punitive discharges, the unavailability exception will be reserved for cases of legitimate impossibility and that the appellate decisions on this provision will so insure.

In all other special courts-martial, military judges *may* be detailed, but need not be.[37] Although this is left to the unfettered discretion of convening authorities, I believe the use of military judges in all special courts-martial will greatly increase in the years ahead, particularly for the trial of cases involving factual and legal problems probably too difficult for a legally untrained special court-martial president to handle, and particularly since, under the provisions of the Act increasing the availability of lawyer defense counsel, most special courts-martial will now have lawyers representing both sides.

The stature and independence of military judges is sought to be enhanced by another provision of the Act which in effect enacts into law the general principles of the "independent field judiciary."[38] This system, which has already been adopted administratively by some of the armed services, involves the assignment of military judges in each service to a separate unit under the command of the Judge Advocate General of that service. The intent is to provide for the establishment within each service of an independent judiciary composed of experienced judge advocates certified for duty as military judges on general courts-martial, who are assigned directly to the Judge Advocate General of that service and responsible only to him for direction and fitness ratings, and who perform only judicial duties. Rules for designating and detailing military judges for duty on special courts-martial are left subject to regulations to be promulgated by the Secretaries of the services, thus permitting the establishment of special lists of junior judge advocates who can be utilized for other legal duties while serving as military judges of special courts-martial in preparation for later assignment to general courts-martial. I believe this system will greatly increase the quality and prestige of military judges and will further insure their independence from improper command influence by removing them from the normal chain of command.

C. Improvements in military court procedures

The Act reforms military trial procedures in a number of ways to streamline the heretofore cumbersome and unwieldly court-martial proceeding and bring it more nearly into line with criminal proceedings in federal district courts. A number of the changes are designed to reduce delay and unnecessary formalities. They include a requirement that a request by an enlisted defendant for non-officer members on the court must generally be made prior to the convening of the members,[39] a requirement that members be sworn in before the court convenes,[40] elimination of the troublesome and litigation-producing practice of permitting the military judge to confer in closed session with the members concerning the form of the findings,[41] authorization for the military judge or member-president of a court-martial to accept a plea of guilty and enter judgment thereon without the necessity of a vote by members,[42] changes in the method of record authentication,[43] and provision for a summarized record of some general courts-martial.[44] However, by far the most important provision, aside from the authorization of a single-officer trial without members (discussed in the next section), is the provision amending the Uniform Code to authorize the convening by the military judge of a pretrial session without the attendance of members for the purpose of disposing of interlocutory motions raising defenses and objections, ruling upon other matters that may legally be ruled upon by the military judge, holding the arraignment and receiving the pleas of the accused if permitted by regulations of the Secretary concerned, and performing other procedural functions which do not require the presence of court members.[45] The effect of the amendment, generally, is to conform military criminal procedure with the rules of criminal procedure applicable in the United States district courts and otherwise to give statutory sanction to pretrial and other hearings without the presence of the members concerning those matters which are amenable to disposition on either a tentative or final basis by the military judge.

A typical matter which could be disposed of at a pretrial session is the preliminary decision on the admissibility of a contested confession. Under present practice, an objection by the defense to the admissibility of a confession on the ground that it was not voluntary frequently results in a lengthy hearing before the military judge from which the members of the court are excluded, although they must still remain in attendance. By permitting the military judge to rule on this question before the members of the court have assembled, the members are not required to spend considerable time merely waiting for a decision of the military judge. If the military judge sustains the objection, the issue is resolved, and the fact and innuendoes surrounding the making of the confession will not reach the members by inference or otherwise. If the military judge determines to admit the confession, the issue of voluntariness will normally, under civilian and military federal practice, be relitigated before the full court.

This amendment merely provides a grant of authority to the military judge to hold sessions without the attendance of the members of the court for the purposes designated in the amendment and does not attempt to formulate rules for the conduct of these sessions or for determining whether or not particular matters not raised at such sessions shall be considered as waived. These are questions more appropriately resolved under the authority given to the President in article 36 of the Uniform Code to make rules governing the procedure before courts-martial.

D. Trial by military judge alone

Perhaps the most innovative and potentially beneficial provision of the Act is the one amending the Uniform Code to permit the convening of a general or special court-martial consisting of a military judge sitting alone much as a federal district court judge may try a case without a jury.[46] The armed services, which vigorously supported this provision, anticipate that this new procedure will result in a great reduction in both the time and manpower normally expended in trials by court-martial. For example, the vast majority of cases in which the accused wishes to plead guilty will probably be tried by these single-officer courts.

The amendment provides that a case may be referred to a single-officer court if the accused, before the court is assembled, so requests in writing, and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. The election is available in the case of a special court-martial, of course, only if a military judge has been detailed to the court.

This provision is modeled generally after Rule 23(a) of the Federal Rules of Criminal Procedure. It differs in a major respect, however, in that it does not require the consent of the convening authority to refer a case to a single-officer court, whereas Rule 23(a) requires that both the court and the government must consent to waiver by the defendant of trial by jury. There are significant differences between the military community and the civilian community which seemed to me to make such an exact parallel in procedures inadvisable. In federal civilian criminal trials the jury is selected from a broad base of eligible persons pursuant to a detailed federal statute designed to insure complete impartiality.[47] There are

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no such safeguards in the selection of the members of a court-martial. Furthermore, the command structure in the military presents a possibility of undue prejudicial influence over the court by commanding officers that is not present in civilian administration of justice. It would thus seem unwise to limit the election of the accused to avoid trial by a court-martial whose members he might consider to be prejudiced against him. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interests of both the government and the accused.

E. Protections against command influence

One of the most troublesome problems in the administration of criminal justice in the military is that of improper command influence exerted directly or indirectly, intentionally or inadvertently, by line commanders against members and legal officers assigned to courts-martial. It is perhaps also the problem less amenable to solution. The Uniform Code presently contains provisions designed to reduce such command interference by prohibiting convening authorities and other commanding officers from attempting to improperly coerce or influence the action of a court-martial or any reviewing authority, and prohibiting commanding officers from censuring or reprimanding the court or its members with respect to the action of the court.[48] These prohibitions have proved not to be sufficient, however, and the Act supplements them in several ways. It adds a provision that the performance of a serviceman as a member of a court-martial may not be evaluated in preparing an effectiveness, fitness of efficiency report on him or in determining his fitness for promotion, transfer or retention in the service, nor may a serviceman be given a less favorable rating or evaluation because of his zeal in acting as defense counsel in a court-martial.[49] In addition, the "independent field judiciary" system, discussed above, should insure the freedom of military judges from pressure by line commanders since they will be assigned to and responsible only to the Judge Advocates General of the services.

F. Limitation on trial by summary court-martial

An additional provision added to the Act by the Senate Armed Services Committee at my urging amends the Uniform Code to assure that a serviceman may not be tried over his objection by a summary court-martial, which, as noted above, consists of one commissioned officer and which affords literally no safeguards to the accused. Under the applicable provision of the Uniform Code as originally enacted,[50] a serviceman initially offered trial by summary court-martial for an alleged offense could refuse such trial and demand trial by special or general court-martial. On the other hand, if his commanding officer initially offered him nonjudicial punishment ("company punishment") for the offense and he elected to be court-martialed instead, he could not then refuse trial by summary court-martial if his commander decided to refer his case to such a court. The Act amends the Uniform Code to provide that a serviceman offered trial by summary court-martial for an alleged offense may demand trial by a special or general court-martial instead (where his rights will be better protected) without regard to whether or not he has first been offered company punishment for the alleged infraction.[51]

This provision is a compromise between those who favor retention of the summary court-martial as under present law and those, including myself, who would abolish it altogether. This compromise is no expression of confidence in the summary court, which I consider to be an inferior court in concept and procedure and in the quality of justice it dispenses. Until such time as the summary court-martial can be eliminated from the court-martial system, the amendment removes the present restriction on the right of a serviceman to refuse trial by such court.

G. Review and post-convention procedures

In addition to the above changes in trials by court-martial, the Act makes a number of changes in the post-convention remedies and protections afforded to servicemen and in the review structure. For example, it provides for the first time a form of release on bail after conviction pending appeal. For the convicted military accused, no practical provision for release during the period of appellate review now exists. The Uniform Code provides that a sentence to confinement begins to run from the date it is adjudged by the court, with the exception that periods during which it is suspended are to be excluded in computing the term of confinement.[52] The Court of Military Appeals has held that a suspension of a sentence makes the accused a probationer as to the part suspended, and that the suspension may not thereafter be vacated except after a hearing to establish that the accused has violated his probation.[53] Suspension of sentence cannot, therefore, be used effectively as a means of release pending appeal. In consequence, a convicted military prisoner must begin serving his sentence to confinement from the date it is adjudged, even though it ultimately may be reversed on appeal. If it is reversed by the Court of Military Appeals after undergoing the full range of intermediate review, the prisoner probably will have served the entire sentence by the time a decision is rendered. If reversal comes earlier, at the court of military review level, he will at least have served several months of the sentence before reversal.

The Act amends the Uniform Code to correct this situation by permitting the convening authority or certain higher commanding officers, upon the application of the accused, to defer the service of a sentence to confinement pending appeal.[54] The deferment would be terminated and the sentence would begin to run automatically when the sentence is approved upon review and ordered executed. The discretion exercised would be very broad and would be vested exclusively in the convening authority or the officer exercising general court-martial jurisdiction. Such officers would take into consideration all relevant factors in each case and would grant or deny deferment based upon the best interest of the individual and the service. The officer granting the deferment or, if the individual is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the individual is currently assigned, would have discretionary authority to rescind it at any time.

The Act also extends the time within which an accused may petition the Judge Advocate General for a new trial from one year to two years, and extends the right to all cases, not just those involving sentences to death, dismissal, a punitive discharge, or a year or more confinement, as under the present Code.[55]

Finally, the Act amends the provisions of the Uniform Code establishing boards of review to review court-martial cases by redesignating the boards as "Courts of Military Review" and by directing the establishment of a single Court of Military Review for each armed service to replace the several boards of review now existing in each of the services.[56] The amendment also provides that each Court of Military Review shall be composed of one or more panels and that each panel shall be composed of not less than three appellate military judges. In reviewing court-martial cases, the Courts of Military Review may sit as a whole or in panels, in accordance with uniform rules of procedure to be prescribed by the Judge Advocate General. Qualifications of the appellate military judges who may be assigned to the courts remain the same as the present qualifications for members of boards of review. Under the amendment, each Judge Advocate General will designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge will determine on which of the panels of the court the appellate military judges assigned to the court will serve and which appellate military judge assigned to the court will act as the senior judge on each panel.

This amendment will, I believe, significantly enhance the prestige and independence of these appellate bodies, and will promote uniformity of decision and sound internal administration within the intermediate appellate structure of each service.

V. CONCLUSION

The Military Justice Act of 1968 represented unquestionably the most significant advance in military justice in almost two decades. When the reforms made by the Act are instituted on the effective date of the legislation later this year,[57] the brand of criminal justice administered by military courts will be equal to that of federal and state civilian courts in most respects. Of course, much will depend upon the good faith of the armed services in seeking to effectuate the reforms fully. From my discussions with representatives of the Department of Defense, particularly with General Hodson, whom I consider to be an excellent lawyer and a most enlightened administrator, I am convinced that we shall see great improvements in military justice in the years ahead in the areas affected by the Act. The Subcommittee on Constitutional Rights will be watchful to assure that this is so.

There is one major area of great concern to me, however, which the Military Justice Act does not touch at all. I refer to the procedures before "administrative discharge boards," which are established within the armed services ostensibly for administrative rather than disciplinary purposes, but which are empowered to adjudge punitive ("undesirable") discharges for acts or omissions which could—and often should, in my opinion—be the subject of courts-martial. The procedures before such boards are in perhaps greater need of reform than the court-martial structure. Because of the lateness of the Congressional session when the Senate began consideration of the House-passed military justice bill last year, I did not insist on inclusion of such reforms in the Military Justice Act of 1968. However, in light of the fact that the American Bar Association has recommended legislation to establish minimum due process standards in administrative discharge proceedings[58] and the fact that there have been assurances from the Department of Defense that some desired reforms in such proceedings may be obtained without opposition, I believe that legislation can be enacted this year in this vital area. I have reintroduced my earlier proposals on this subject,[59] and I intend to press for enactment of them or some reasonably similar reforms at the earliest possible time. Until we can assure our servicemen that they will not be discharged from the service and branded "unfit" or "unsuitable" or "undesirable" after a board proceeding in which they have no right to counsel, no right to confront their accuser and no right to review of the proceedings by someone trained in the law, we have not fully guaranteed them the basic rights that they are fighting to secure for us.

FOOTNOTES

[1] Uniform Code of Military Justice Act, 10 U.S.C. §§ 801 *et seq.* (1964) [hereinafter cited as UCMJ].

[2] Military Justice Act of 1968, Pub. L. No.

90–632, 82 Stat. 1335 (1968) [hereinafter cited as MJA] (effective Aug. 1, 1969; see note 57 *infra*).

[3] Morgan, *The Background of the Uniform Code of Military Justice*, 6 Vand. L. Rev. 169 (1953); White, *The Uniform Code of Military Justice: The Background and the Problem*, 35 St. John's L. Rev. 197, 198–209 (1961).

[4] UCMJ art. 27.

[5] Gideon v. Wainwright, 372 U.S. 335 (1963).

[6] UCMJ art. 31.

[7] Miranda v. Arizona, 384 U.S. 437 (1966).

[8] *Hearings on the Constitutional Rights of Military Personnel Before the Subcomm. on Constitutional Rights of the Comm. on the Judiciary*, U.S. Senate, 87th Cong., 2d Sess. (1962).

[9] Senate Committee on the Judiciary, 88th Cong., 1st Sess., Report on Constitutional Rights of Military Personnel—Summary-Report of Hearings by Subcommittee on Constitutional Rights (Comm. Print 1964). The hearings and this summary report covered many areas in the administration of justice in the Armed Services other than the operation of the court-martial system, including administrative discharges, a JAG Corps for the Navy, and modernization and streamlining of the Boards for the Correction of Military Records.

[10] S. 2002 through S. 2019, 88th Cong., 1st Sess. (1963).

[11] H.R. 8565 through H.R. 8582, 88th Cong., 1st Sess. (1963).

[12] S. 745 through S. 762, 89th Cong., 1st Sess. (1965).

[13] S. 2906 and S. 2907, 89th Cong., 2d Sess. (1966).

[14] *Joint Hearings on S. 745 through S. 762, S. 2906, and S. 2907, Bills to Improve the Administration of Justice in the Armed Services, Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary and a Special Subcommittee of the Committee on Armed Services*, U.S. Senate, 89th Cong., 2d Sess. Pts. 1–3 and Addendum to Pt. 3 (1966) [hereinafter cited as *joint Hearings*].

[15] The Report of the House Committee on Armed Services, H.R. Rep. No. 1481, 90th Cong., 2d Sess. (1968), states: "In order to be sure that the bill would be uncontroversial, letters were sent to many organizations and individuals, asking their opinions. In general, the bill was favored without comment. Where there were comments which were acceptable, the bill was altered slightly to accommodate the suggestions. There were some suggestions, however, which were outside the limited scope of the bill. These will have to be considered when the Subcommittee gives further consideration to the major problems of the Uniform Code of Military Justice when it takes the balance of the provisions of H.R. 226 under consideration." H.R. 226 was an omnibus bill introduced by Congressman Bennett which provided for reforms in the Uniform Code, somewhat similar to S. 2009.

The House Armed Services Committee approved two amendments to the bill as introduced. One of the provisions of the original bill would permit the accused to waive trial by a full court-martial and have the trial by the law officer alone. In United States v. Jackson, 290 U.S. 570 (1968) the provision of the Federal Kidnapping Act which provided for the death penalty by jury verdict was declared unconstitutional as interfering with the right to trial by jury. The Committee amended that section so that the jurisdiction of a law officer sitting alone would be limited to cases rendered noncapital before reference to trial. The second amendment removed the "in time of war" exception from the provision requiring legal counsel to represent an accused in a special court-martial where a bad conduct discharge may be adjudged.

[16] 114 Cong. Rec. 12032 (daily ed. Oct. 3, 1968).

[17] When the House considered the Senate amendments, Representative Bennett commented: Most of the Senate amendments are taken from legislation Senator Ervin, of North Carolina, and I have had pending for years. On January 10, 1967, I introduced H.R. 226, an omnibus bill of amendments to the Uniform Code of Military Justice. Five months later, Senator Ervin introduced his omnibus bill, S. 2009. These bills differed, but what Senator Ervin and I both were, and still are, striving for, were much needed reforms in the Uniform Code.

H.R. 15971 represents a culmination of Senate and House efforts to get these needed reforms enacted. The Senate studied legislation in this field for 8 years and held exhaustive hearings, and the Senate amendments, on the whole, are a product of those hearings. The House held hearings last year on the House version of this bill. The provisions of this bill as amended, are, therefore, not new to the Congress and most of them have been under consideration for years.

[18] 114 Cong. Rec. 9717 (daily ed. Oct. 10, 1968).

[19] UCMJ art. 27.

[20] *Id.* arts. 27(c) and 38(b).

[21] *Joint Hearings* at 912.

[22] *Id.* at 912, 937, 963.

[23] The Subcommittee on Constitutional Rights conducted a survey in 1966 of employers and personnel managers in the metropolitan Washington, D.C., area, and found that no distinction is made by such persons between bad conduct discharges, dishonorable discharges, and undesirable discharges. The consensus was that so many job applicants generally are available who have honorable discharges that there is no need to be concerned about the nature and circumstances of the various kinds of less than honorable discharges. Consequently, an honorable discharge is almost always required and any other discharge renders the applicant unacceptable.

[24] 372 U.S. 335 (1963).

[25] United States v. Tempia, 16 U.S.C.M.A. 629, 37 C.M.R. 249 (1967).

[26] Two feasible methods of providing lawyer counsel for ships which do not carry a lawyer have been used in recent years: establishment of "dockside courts" on larger ships with adequate court-martial personnel, and the use of "circuit-rider" lawyers assigned to larger commands who go to the smaller ships by boat or helicopter. The latter method would be useful for any kind of isolated command, as would the practice of transporting the accused, the witnesses, and other necessary personnel to commands where lawyers are present.

[27] Each year there are more than ten times as many JAG applications by graduating law students as the services can accept. Most unsuccessful applicants go into the military in nonlegal capacities. In the past, only the Navy has used non-JAG lawyers in courts-martial. This practice should be expanded in all the services.

[28] Reporters may not be provided in Army special courts-martial without approval from the Secretary of the Army. AR 27–145. Since a special court-martial cannot adjudge a bad conduct discharge unless a verbatim transcript is made, virtually all army special courts are disabled from adjudging bad conduct discharges.

[29] *Joint hearings* at 963.

[30] MJA § 2(5).

[31] *Id.* § 2(10)(B).

[32] S. Rep. No. 1601, 90th Cong., 2d Sess. 8 (1968).

[33] MJA §§ 2(1), 2(2), 3.

[34] *Id.* § 2(9).

[35] *Id.* § 2(5).

[36] S. Rep. No. 1601, 90th Cong., 2d Sess. 5–6 (1968).

[37] MJA § 2(9).

[38] *Id.*

[39] *Id.* § 2(7).

[40] *Id.* § 2(18).

[41] *Id.* § 2(9).

[42] *Id.* § 2(22).

[43] *Id.* § 2(23).

[44] *Id.*

[45] *Id.* § 2(15).

[46] *Id.* § 2(3).

[47] Act of March 27, 1968, Pub. L. No. 90–274, 82 Stat. 53.

[48] UCMJ art. 37.

[49] MJA § 2(13).

[50] UCMJ art. 20.

[51] MJA § 2(6).

[52] UCMJ art. 57(b).

[53] United States v. May, 10 U.S.C.M.A. 358, 27 C.M.R. 415 (1959).

[54] MJA § 2(24).

[55] *Id.* § 2(33).

[56] *Id.* § 2(27).

[57] MJA § 4 provides that the major amendments shall become effective "on the first day of the 10th month in which it is enacted," which will be August 1, 1969.

[58] Resolution approved by the House of Delegates of the American Bar Association, Philadelphia, Pa., Aug. 5–8, 1968. A bill embodying these recommendations has been introduced in the House of Representatives by Congressman Bennett. H.R. 943, 91st Cong., 1st Sess. (1969).

[59] S. 1266, 91st Cong., 1st Sess. (1969).

THE PESTICIDE PERIL—XVII

Mr. NELSON. Mr. President, the Washington Evening Star reported yesterday that Denmark will become the second country to ban the use of DDT in agriculture, forestry, and horticulture next fall.

Earlier this year, Sweden—the country who 21 years ago awarded the Nobel Prize to the Swiss chemist who developed DDT—was the first nation in the world to ban the use of the chemical.

Denmark's action was taken after a growing amount of evidence testified to the dangers to our total environment from continued use of persistent, toxic pesticides. The government's director of the Poison Control Agency said that farmers can easily switch to new, equally efficient, but less dangerous, insecticides to replace the estimated 50 tons of DDT poured every year on Denmark's fields and gardens.

It was also reported in this morning's Washington Post that the State Agriculture Commission in Michigan has taken the final steps in that State's ban on the use of DDT.

I ask unanimous consent that the articles from the Evening Star and the Washington Post be printed in the Record.

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

[From the Washington Evening Star, June 18, 1969]

Denmark To Ban Use of DDT in Fields, Forests

Copenhagen.—Denmark will follow Sweden's lead and ban the use of DDT in agriculture, forestry and horticulture next fall, the government's poison control agency announced today.

Agency director Poul Bonnevie, said farmers can easily switch to new, equally efficient, but less dangerous, insecticides to replace the estimated 50 tons of DDT poured every year on Denmark's fields and gardens.

Sweden is banning indoor use of DDT and forbidding outdoor use provisionally for a two year trial period.

The outdoor ban in Denmark is permanent

but Danes may go on using DDT as an indoor insecticide.

[From the Washington Post, June 19, 1969]

DDT BANNED

The State Agriculture Commission in Michigan announced a limited ban on use of the pesticide DDT, and support for a DDT ban in California continued in the wake of charges that the chemical may threaten the balance of nature.

The Michigan Department said it was cancelling DDT registrations except for control of bats, mice and body lice by professional applicators and Government officials for public health uses.

In California, 150 scientists from six schools issued a statement urging a ban on DDT, expressing "deep concern" about the possibility it may damage human reproduction. Five other scientists defended the pesticide, but said its use should be minimized because of possible damage to fish and wildlife.

At least a dozen states have banned or are considering banning its use.

NO MORE HAMBURGER HILLS—BRING GENERAL WRIGHT HOME

Mr. YOUNG of Ohio. Mr. President, according to military intelligence at least 1,000 Vietcong have returned and taken over Ap Bia Hill sorrowfully known to American paratroopers who finally captured the hill, as Hamburger Hill. More than 60 young American GI's were killed and more than 308 wounded last month in repeated frontal assaults in the battle for that 3,000-foot hill in the A Shau Valley in South Vietnam a few miles from the border of Laos. After 10 days of terrific frontal assaults up the slopes of this hill under murderous enemy fire and then retreats downhill, this hill was finally captured. Then, a few days after capturing Hamburger Hill and destroying the Vietcong bunkers, orders were given almost immediately to abandon the hill. A U.S. command spokesman in Saigon said "there is no tactical reason for our forces to stay there."

The hill that our generals considered so important to capture by frontal assault was held but only for a few hours—long enough to evacuate our dead and wounded.

Now, it is surprising, in fact shocking, to read in a recent issue of the Washington Post that Maj. Gen. John M. Wright, Jr., commander of the U.S. 101st Airborne Division, has decided that he is prepared to storm the peak again if need be, General Wright told an interviewer:

I am prepared to commit everything that it takes, up to the entire division, to do the job.

Mr. President, inconceivable as it may seem, if our generals in Vietnam should again be so callous over the welfare of GI's who do the fighting and dying to order an assault on Ap Bia Mountain, then let us hope that General Wright will personally lead that assault and be in the forefront of those young GI's to take part in it, and encourage them by his display of leadership and bravery. I suggest that Major General Zias who last month commanded the 101st Airborne Division in the attack on Hamburger Hill be assigned to accompany him.

Mr. President, it is almost unbelievable that our generals in Vietnam would again consider a suicide mission to capture a little hill of no strategic importance to the protection of our forces in Vietnam, and certainly not to the defense of our Nation. General Wright's astonishing statement is merely another indication of the thinking of our generals in Vietnam and of the generals of the Joint Chiefs of Staff who seem determined to continue our involvement in that immoral, undeclared war in Vietnam which has, in fact, become an American war.

Last month our colleague, Senator EDWARD "TED" KENNEDY, properly denounced the frontal attack on Hamburger Hill as a "senseless and irresponsible action." It would be not only senseless and irresponsible, but reprehensible and, in fact, well nigh criminal were even one American life to be lost in another battle for Ap Bia Mountain.

Mr. President, General Wright's irresponsible statements as reported in the press indicate to me, and I am sure to millions of Americans, that he does not possess the judgment and discretion that American citizens have a right to expect from those military leaders to whom the lives of their youngsters and husbands have been entrusted. It might be an excellent idea that he should without delay be removed from his command of the 101st Airborne Division and reassigned to a job where he can no longer direct irresponsible and senseless combat action which would needlessly and inexcusably result in loss of priceless lives of young Americans. Perhaps an assignment to take charge of a warehouse in some remote base in the United States would be more in keeping with General Wright's abilities, judgment, and discretion.

MEMORIALS OF OREGON LEGISLATURE

Mr. HATFIELD. Mr. President, I ask unanimous consent, on behalf of my colleague from Oregon (Mr. PACKWOOD) and myself, that enrolled House Joint Memorials 16, 21, and 25, adopted by the House of Representatives and Senate of the 55th Legislative Assembly of Oregon, be printed in the RECORD.

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

HOUSE JOINT MEMORIAL 16

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the people of the United States of America do not elect their own President but instead elect members of an electoral college who, according to the Constitution of the United States, have the supreme power to elect a President of their own choice; and

Whereas the electoral college stands between the people and the expression of their choice of a President; and

Whereas the will of the people may be disrupted or denied by the electoral college, which event would certainly lead to a crisis in our nation; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to propose an amendment to the Constitution of the United States which would accomplish the following:

(a) Abolish the electoral college.

(b) Create a system for the direct election of the President of the United States by all the qualified voters of the nation.

(c) Require that the successful candidate must receive no less than 40 percent of all the votes cast for President to be elected; however, in the event no candidate received 40 percent of all the votes cast for President, then the two candidates receiving the highest number of votes cast would be candidates in a second election and the candidate receiving the highest number of votes in the second election would be adjudged successful.

(2) A copy of this memorial shall be sent to the presiding officer of the Senate and of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

Adopted by House April 11, 1969.

WINTON L. HUNT,
Chief Clerk of House.
ROBERT F. SMITH,
Speaker of House.

Adopted by Senate May 20, 1969.

E. D. POTTS,
President of Senate.

HOUSE JOINT MEMORIAL 21

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas federal legislation has not yet been enacted to clarify the protection of water rights acquired under state laws and to preserve the historic authority of the states to control the acquisition and administration of water rights within their respective borders; and

Whereas federal court decisions threatening such rights and undermining such authority continue in effect; and

Whereas extensive committee hearings have been held by the Congress of the United States during the last several years with respect to water rights legislation; and

Whereas the United States Department of Agriculture, through the United States Forest Service, has by administrative order encroached upon the orderly administration of Oregon water laws by declaring a reservation in the Department of Agriculture over all water originating on or flowing across National Forest lands; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That the Congress of the United States is urged to enact as soon as possible legislation that will:

(1) Clearly state that the Federal Government shall not be deemed to have acquired or reserved any water right as a result of the reservation or withdrawal of any public lands;

(2) Require compliance with state water laws by all federal agencies, licensees or project beneficiaries; and

(3) Adequately safeguard all water rights established under state laws against the action of federal agencies and their licensees; and be it further

Resolved, That copies of this memorial be sent to the Secretary of Agriculture, the Secretary of Interior, the Public Land Law Review Commission, and to each member of the Oregon Congressional Delegation.

Adopted by House April 30, 1969.

WINTON L. HUNT,
Chief Clerk of House.
ROBERT F. SMITH,
Speaker of House.

Adopted by Senate May 15, 1969.

E. D. POTTS,
President of Senate.

HOUSE JOINT MEMORIAL 25

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas federal aid to education is having an increasingly important impact on the financing of elementary and secondary education in Oregon; and

Whereas these funds are designed to stimulate various responses at the local level whether or not the particular category of aid meets the most pressing local needs; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to provide advance funding of block grants for education under which states would follow general guidelines for use of such funds but would be able to avoid much duplication of effort and better to meet local needs.

(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the President of the United States, and to each member of the Oregon Congressional Delegation.

Adopted by House May 13, 1969.

WINTON L. HUNT,
Chief Clerk of House.

ROBERT F. SMITH,
Speaker of House.

Adopted by Senate May 21, 1969.

E. D. POTTS,
President of Senate.

TERMS OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, so much has been said in reference to the Genocide Convention that I thought it would be helpful to explain, point by point, the terms of this convention.

The Genocide Convention contains 19 articles. Of these, the first nine are of a substantive character, and the remaining 10 are procedural in nature.

Article I carries into the convention the concept that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

First, killing members of the group.

Second, causing serious bodily or mental harm to members of the group.

Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Fourth, imposing measures intended to prevent births within the group.

Fifth, forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

The crime of genocide itself; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. The parties agree in article IV to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions," the legislation necessary to implement the provisions of the convention, the convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction. Thus, genocidal acts committed on American territory would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the charter for the prevention and suppression of genocidal acts.

Lastly, article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention shall be submitted to the International Court of Justice, when any party to a dispute so requests. As I mentioned earlier, the remaining articles are procedural in nature.

Mr. President, I point out the specific language of the articles to familiarize Senators with the provisions of this convention. It is my hope that by clarifying the technicalities involved, Senators will better understand that this convention calls for nothing more than an international indictment against the practice of genocide. It defines the crime of genocide, and it obligates states to take measures to prevent and punish genocide within their respective territories. With this better understanding it is my hope that the U.S. Senate will ratify the Genocide Convention in the near future.

LOW-COST HOUSING FOR THE POOR

Mr. HART. Mr. President, I invite attention to a unique labor contract aimed at providing low-cost housing for the poor which has been signed by the Detroit Building Trades Council and LeBon Home Corp.

We hear a great deal of talk nowdays about the need for low-cost housing. The National Commission on Urban Problems recently has called attention to this need, and the President's Committee on Urban Housing, in its report which was filed with the President of the United States in December 1968 went into great detail about the urgency of providing low-cost housing to the poor.

The project to which I call attention may be an indicator that we have started to do something about this need. The Metropolitan Detroit Citizens Development Authority—MDCDA—sponsor of the enterprise, and Mr. LeBon Walker, president of LeBon Home Corp., are to be highly praised for the work which has gone into this project.

Under the agreement which has been signed: First, wage levels are fixed somewhat lower than union scales; second, all employees of the builder will belong to the union, rather than separate unions by trades; third, employees of the builder will continue working in the plant and at the construction sites, even if there is a strike by any of the affiliates of the building trades councils; and fourth, the builders' employees, both black and white, will be blanketed into the new union.

I understand that this is the first contract of this kind in the Nation.

It is of interest that the project also is committed to involving black businessmen in the community into the housing construction industry. I understand that Mr. LeBon Walker, a graduate of Michigan State University, has had experience in accounting, housing, rehabilitation, mortgaging and construction. Yet, he is just 28 years of age. A prototype house has been constructed on Detroit's East side by LeBon Home Corp. A three-bedroom brick ranch model home which will sell for $11,700, including the lot, is the first of 250 homes which this company will build as a part of this project.

Mr. President, there is no doubt in my mind that we must find a way to harness the productive power of America to meet the most pressing unfulfilled need of our time. That need, as President Johnson said in 1967, is:

> To provide the basic necessities of a decent home and healthy surroundings for every American family now imprisoned in the squalor of the slums.

The Nation has proved that it can master space and can provide unparalleled abundance in the marketplace. We must now prove our national ability to provide this vitally needed low-cost housing.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of the LeBon-MDCDA project, written by Dick Wright, and published in the Detroit Free Press of June 7, 1969.

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

FACTORY-BUILT MODULES USED—LEBON, MDCDA UNVEIL $11,700 BRICK RANCH MODEL

(By Dick Wright)

The problem of providing decent housing at a reasonable cost in the quantities necessary to meet the growing demand is a vast and complex one and many approaches to the problem are being explored.

One approach, which UAW President Walter Reuther termed a "most significant development," was unveiled this week in Detroit by DeBon Home Corp. and the Metropolitan Detroit Citizens Development Authority.

LeBon Home Corp. opened a three-bedroom ranch model home which carries a base price of $11,700 including the lot.

LeBon B. Walker, president of LeBon Home, said the model at 500 Clairpointe on

Detroit's lower east side is the first of 250 homes his company will build under a contract with the MDCDA.

Walker said that price includes a lot on Detroit property owned by the MDCDA and that monthly payments will range from $70 to $120—including mortgage, interest, taxes and insurance—depending on the income and family size of the purchaser.

"By utilizing the most advanced home-building technology and the modular method of home construction, we have produced a high-quality home at almost half the price comparable homes have been sold for," Walker said.

The furnished model, called the Clairpointe, will be opened to the public at noon Sunday. It will be open from noon to 8 p.m. on Sundays and 2 p.m. to 8 p.m. weekdays, except Thursdays.

The Clairpointe is made of two 12-by-50-foot modules which are built and finished in a factory.

Walker explained that the modular construction method is a systems approach in which a housing section is built complete with electrical wiring, heating, plumbing, appliances and, sometimes, even furniture.

The modules are completely manufactured and inspected at the factory and shipped to the home site by truck.

LeBon Home is now readying a plant for production of the modules at 19460 Mt. Elliot in Detroit.

Walker said that when production is under way, his plant will be able to turn out about four homes a day.

After the modules are shipped to the site, the sections are fitted together on the lot, electricity is tied to the power source and the plumbing is connected.

A prototype of the Clairpointe was erected on Bewick on the east side earlier this year.

"When we opened our prototype, few people in the industry expected that we could meet Detroit's stringent building codes," Walker said. "But we took that house apart and proved every piece of it."

The Clairpointe is a 1,200-square-foot brick ranch with three bedrooms, a large living room and dining area, and a kitchen equipped with oven-range, refrigerator and disposal.

Options include carpeting, color-coordinated furnishings, dishwasher, clothes washer and dryer, drapery and a variety of lighting combinations.

Walls are prefinished paneling and floors are vinyl. Walker said brand-name materials were used throughout the house.

"We achieve our savings in the construction technique, not in the quality of materials," Walker said.

The model home is very attractively furnished, but not lavishly. Ed Robinson, MDCDA executive director, said that furnishings cost about $4,500.

Robinson emphasized that these homes are not immediately available. LeBon Home has acquired a plant, but is still in the process of gearing it up for production.

Walker said the Clairpointe is just one of several floorplans and designs LeBon will offer. The company plans to cover the whole housing field, from townhouses to luxury homes.

Each LeBon design utilizes variations on four basic modules. In one design, for example, two modules are stacked to create a split-level home with three bedrooms and a bath upstairs.

Interiors feature beam ceilings, a variety of wall panelings and built-in appliances.

Walker predicted that modular home construction will revolutionize the housing industry. He said the demand of growing population and the need to rehabilitate crumbling urban neighborhoods require that American builders produce the equivalent of the entire 1960 housing supply in the next 20 years.

"The future for modular housing construction depends on our ability to build superior quality into a home, to utilize a greatly simplified assembly line building process which is much faster and more efficient than any other construction method and to project our costs exactly," he said.

"Since we know in advance precisely what our unit will cost per square foot, we can give our customers the full advantages of advanced cost planning."

Reuther, who is president of the MDCDA, said at the opening of the Clairpointe that it represents a "effort to demonstrate that it is possible to produce housing at a cost people can afford."

Reuther said the cost of conventional construction for the MDCDA in Elmwood Park 2 is about $18 a square foot. The LeBon model, he said, costs about $9 a square foot, or $10 a square foot including the land.

On the subject of land, Reuther proposed that a "land bank" of lots in the inner city and in suburban areas be built up for low-cost housing sites.

Otherwise, he said, the low-cost housing program faces the prospect of going through the "land speculators' meat grinder" and of having economies destroyed by higher land costs.

He said the LeBon development is a "significant beginning for expansion of factory-built housing."

CALIFORNIA CONDOR AND IVORY-BILLED WOODPECKER FACE EXTINCTION

Mr. YARBOROUGH. Mr. President, I invite the attention of the Senate to an article published in Life magazine of June 13, 1969, on the California condor and the struggle this magnificent bird is having for existence. Mr. James Fowler speaks from experience of their beauty and savagery. He, among others, is concerned that this species of wildlife may become extinct unless a special sanctuary is established for them.

In Texas, we are likewise concerned about many species of wildlife which are threatened with extinction because of man's technological progress. One such species is the ivory-billed woodpecker. For many years, most ornithologists considered the bird extinct until it was sighted in August 1967, in the Big Thicket area of Texas. If we fail to act soon to save the Big Thicket, the ivory-billed woodpecker will be seen by generations to come only as a stuffed exhibit in the Smithsonian Institution. S. 4, the bill to create the Big Thicket National Park in east Texas includes the major existing portion of the exhausted habitat of the ivory-billed woodpecker. Because of the analogy between the condor and the ivory-billed woodpecker, I ask unanimous consent that the article be printed in the RECORD.

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

FIERCE MAJESTY OF THE CONDOR

BIRD TRAP WITH A DEAD DOLPHIN AND A NET SHOT FROM CANNONS

(NOTE.—Before Fowler and his expedition could mount a transmitter on the giant condor, they first had to catch one. At the base of a towering cliff they built themselves a blind, set out a dead dolphin as bait and settled down to wait.)

(By James M. Fowler)

At last a female condor began to show great interest in the bait. She landed on a promontory of rock almost directly above us, and pitched off down toward the beach, out of view. Out of the corner of my eye I saw her appear in front of one of the viewing holes we had left in the blind. I froze. She ambled over to the net, hesitated and backed off, suspicious. The net consisted of three small but very powerful mortarlike cannons set in the ground at a low angle. At the touch of a switch they would fire a huge 40 x 60-foot net over the entire bait area.

On the cliffs, other condors stared impassively at the proceedings. Finally the condor on the beach decided that it was safe and half ran to the carcass, wings held partly out. Another condor had landed and was now approaching the bait from the other side. They began to feed freely, pulling at the carcass of the 200-pound dolphin so determinedly that it flipped over after every bite. Suddenly some oyster catchers let loose with a long series of shrill calls, and I was afraid a fisherman must be coming. But the condors stayed. Five had approached the bait, and I decided to fire the net next time they were in good position. This would be four or five feet in front of the net. If they were farther away, they might be able to escape from under the net's edge before it settled. If they were closer, the tremendous impact of the cannon-powered net might slice their heads off. It would be best to wait until they were eating with their heads down.

Three of the birds were sitting on their haunches almost flat on the ground, apparently to get better traction for ripping and gulping at the meat. Grease from the dolphin made their heads glisten in the sun. One of the males had his head and neck at least two feet deep inside the carcass. All was perfect.

I touched off the cannons, and there was a dull boom. Net, sand, dust and feathers filled the air. When everything had settled, there were five condors under the net.

I burst from the blind so fast that I almost took part of it with me. I knew the panicked condors could go into a dangerous state of shock if we didn't get their heads covered. Once their eyes were covered, the condors would calm down almost immediately, but we had to act quickly.

Two of the females were so frightened that they lay under the net, not even trying to escape. They had already gone into minor shock. The others were still struggling. They had regurgitated their meal all over themselves—one of the most smelly and effective defenses one can imagine. There was only one way to get them out. Go under the net, grab them by the neck, and hold on.

It worked pretty well with the two females. As each bird was secured, it was placed under the shade of a tarpaulin to protect it from the hot sun. Finally, I went in after the largest and most dangerous male. His neck was like a snake, and although I caught hold of it, he twisted his neck inside the skin and lashed at my arm with lightning speed. He broke away and backed up against the net, hissing and daring me to try again.

Suddenly I faked a grab and managed to slip a sack onto his head long enough to get both hands around his neck. I got him out from under the net, but before I could tuck his giant wings under my arm, he used them as a lever and flipped me onto my back. I had visions of becoming condor dinner. But after one more stab of his beak, which missed my face by inches, I forced him into a sack. Then we began to itch. Our encounter with the condors had left us covered with an interesting collection of lice and mites. Some of them were large enough to draw blood, and already they were seeking shelter in our hair. We would have to take care of them later. Now the condors had to be taken to camp and placed in a darkened tent to calm them before we strapped on the transmitters that would chart their travels.

TO THE INCAS, A GOD

To the Incas, the condor was a god. Each morning he lifted the sun into the sky, and

returned it each evening to a bottomless lagoon. When he became old and his plumage faded, he plunged into a sacred lake in the Andes and emerged vigorous and young again. Today, in these same mountains, the condor is facing extinction. The encroachment of man has deplenished the food supply of these giant vultures. Even along the seacoast of Peru and Chile, where sea lion carrion provides abundant food, they are in danger. Hunters pick them off as they drift idly on upcurrents of air. Government inspectors shoot them to protect the guana birds on the offshore islands. And as fishing ports and sea resorts multiply, feeding grounds are becoming more and more restricted. Last year, in an attempt to forestall their destruction, George Wallace, of the Explorers Club in New York, funded the first field study of the condor ever undertaken. The expedition, headed by Zoologist James Fowler, set up camp on a desolate stretch of the coast of Peru. By means of electronic tracking equipment such as a tiny transmitter which could be strapped to the back of a condor, Fowler discovered that many of the birds that feed along the coast actually nest in mountains as far as 100 miles away. The key to the preservation of the species, he believes, is the creation of a condor sanctuary along this threatened shore.

A RETURN TO RESPONSIBILITY

Mr. MURPHY. Mr. President, a distinguished constituent of mine, Frank G. Goble, has conducted a 6-year analysis of American society and its human problems. His conclusion, based on diligent research into human behavior is that our great Nation is in profound need of a return to responsibility—through a utilization of the American ethic as the result of strenuous application of our unique system of professional management.

Mr. Goble is founder and president of the Thomas Jefferson Research Center of Pasadena, Calif., and has a strong background in engineering, science, research, and management. His systems-management oriented study of the social problems we are so concerned about is an excellent piece of work, and I commend it to the Senate. Mr. Goble calls for a man-on-earth project to equal our man-in-space effort, I ask unanimous consent that his summary conclusions be printed in the RECORD.

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

RETURN TO RESPONSIBILITY

This report is a summary of a six year analysis of American society and its human problems. It may be the first major attempt to apply powerful new problem solving methods of professional management to the solution of social problems. The most important of these new methods is the systems approach so successful in solving complex aerospace problems.

Our society's unparalleled technical success is demonstrated by our buildings, highways, schools, farm productivity and the deluge of new products enriching the lives of average Americans. Our annual production on a per capita basis far exceeds that of all other nations.

And yet, at the peak of our technical and material success, we face a moral crisis of a magnitude never before experienced. Not only has society failed to solve problems of crime, delinquency, mental illness, drug addiction, alcoholism, and war, but we have in most cases allowed these conditions to worsen. The estimated cost of social problems is now a staggering $181 billion annually.

The analysis disclosed that our technical success is not primarily the result of superior resources climate, low population density, or genetic superiority. The secret of technical success was found to lie primarily in the way we organize, train and motivate people. More specifically, our technical success is based on such essential elements as trained leadership, specific objectives, organizations, allocation of resources (emphasis), research and development, effective communications, and a sound theoretical understanding of the physical sciences. The elements essential to technical success scarcely exist in our effort to solve social problems.

Organizations seeking to solve human problems are tiny compared to our giant industrial corporations, or NASA which took us to the moon, or even the many organizations seeking to solve physical health problems. The emphasis in our educational system has shifted until today the average adult, even one with advanced academic degrees, has had little or no opportunity to study human behavior. Character education, once an important aspect of formal education, has also been significantly deemphasized.

Research and testing, such a vital part of our technical success, is absurdly inadequate in the social and psychological disciplines. Furthermore, most behavioral research is conducted by specialists rather than systems teams and testing under "real life" conditions is not common. This overspecialization is a serious handicap to the effective solution of human problems. There are frequent studies about social problems, but not many to solve social problems. In other words problem oriented research, taken for granted in industry, is not the normal procedure in university-supervised behavioral research.

Communications among disciplines and even among men in the same discipline is inadequate in social and behavioral research. There is a serious gap between discovery of new ideas regarding human behavior and their widespread application.

The close coordination among inventors, producers and merchandisers, so common in private industry, is generally lacking in the social sciences. Leadership of organizations seeking to solve social problems has been slow to recognize and apply the rapidly developing skills and techniques of the world's newest profession—Management.

A major research conclusion is that human problems are increasing because there is no widely accepted productive theory of human behavior. Instead of one theory, we have a number of conflicting and contradictory theories. Five of the major theories influencing present day society were analyzed and compared. These five are:

Organized Christianity, the American Ethic, Marxism, Freudianism and Behaviorism. It was discovered that this nation was not founded on the Christian, Protestant or Judeo-Christian Ethic but on a unique moral philosophy which we have termed the American Ethic. This ethic is compatible with Christianity, in fact compatible with all major religions, but it differs from the various religions in certain important aspects.

Scattered across the nation are pioneering innovators solving such problems as delinquency, alcoholism, mental illness, dope addiction, and even habitual criminality. These uncoordinated and unpublicized new methods to solve serious social problems represent a major breakthrough in the understanding of human behavior.

The one individual who has probably done the most to spark this breakthrough and incorporate its elements into a comprehensive theory of human behavior is Dr. Abraham Maslow. The breakthrough might also be described as a rediscovery of the American Ethic, but with important improvements which enable the ethic to be applied to important areas of social concern. The new understanding of man, sometimes described as Third Force psychology to distinguish it from the quite different theories of Freud and the Behaviorists, has demonstrated an ability to solve serious psychological and social problems.

Based upon the behavior breakthrough and the powerful methods of professional management, we now propose a national mobilization of resources to research, develop, package and merchandise specific practical solutions to human problems: a man-on-earth project to equal our man-in-space effort. We propose a return to Responsibility.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Mr. JAVITS. Mr. President, on Thursday, June 12, 1969, I introduced with Senators BROOKE, GOODELL, MONDALE, NELSON, PACKWOOD, SCOTT, TOWER, and TYDINGS, S. 2368, a bill to establish a National Institute of Building Sciences. Because of the many inquiries I received from those interested in this proposal, I ask unanimous consent that my introductory remarks of that day, along with the text of the bill, be printed in the RECORD.

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

[From the CONGRESSIONAL RECORD, June 12, 1969]

OPENING REMARKS OF SENATOR JAVITS

Mr. JAVITS. Mr. President, I introduce today, for appropriate reference, a bill to establish a National Institute of Building Sciences. I am joined in sponsoring this bill by Senators BROOKE, GOODELL, MONDALE, NELSON, PACKWOOD, SCOTT, TOWER, and TYDINGS.

The establishment of such an institute will carry out recommendations contained in the reports of both the Douglas and Kaiser Commissions—national commissions which intensively studied the problems of urban housing.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill will establish a nongovernmental nonprofit corporation with a 15-man board of directors selected by the President from lists submitted by the National Academy of Sciences and the National Academy of Engineering. The directors will be selected so as to represent a wide variety of interests throughout the building industry and the National Academies will advise and assist establishing the Institute.

Among the powers and duties of the proposed National Institute of Building Sciences would be to develop and publish standards affecting all building materials; to develop and publish standards for use in local building codes; to promote and coordinate tests and studies of new building products and construction techniques; to provide research and technical services with respect to such materials and techniques; and, to assemble and coordinate to the extent practicable all present activities in this area.

The bill I introduce would authorize a $5 million Federal appropriation for each of the first 5 years of operation of the Institute. After that, it is hoped that the Institute will

be largely self-supporting through fees and grants, although sufficient Federal funds are authorized to permit its operations to continue.

The need for such an authoritative national source of applied research in housing has been recognized by such groups as the American Institute of Architects and the Council of Housing Producers. It is recognized that the fragmentation in the housing industry—including the fragmentation caused by the multitude of differing local building codes and the differences in their application—must not be allowed to obstruct the development of new technologies and a mass market for the construction of low-cost housing and must not be allowed to defeat the national housing goals. Moreover, I believe that the establishment of this Institute can be of assistance to the current commitment of the Department of Housing and Urban Development to promote the development and institution of new low-cost housing technologies.

S. 2368

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

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the lack of an authoritative national source to advise industry and public agencies with respect to the latest technological information about building materials and construction techniques and to propose nationally acceptable standards for local building codes is an obstacle to efforts by the building and construction industry to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. The Congress further finds that the lack of uniform building code standards increases the costs of constructing housing and thereby reduces the amount of housing which can be provided; that innovations in building technology could check these increasing costs, reduce construction time, and improve the quality of housing constructed; and that the existence of a single authoritative institution to test and evaluate new building materials and construction techniques in accordance with nationally accepted standards could facilitate such innovations. The Congress declares that it is in the interest of meeting national housing goals that an authoritative non-governmental institution be created to establish technical standards and to advise all sectors of industry and government on matters relating to building technology, including the development and acceptance of innovations in building materials and construction techniques, and that such an institution should be established with the advice and assistance of the National Academy of Sciences and the National Academy of Engineering and with the greatest practicable participation of representatives of various sectors of the building industry, including labor and management, and technical experts in the building sciences.

ESTABLISHMENT OF INSTITUTE

SEC. 2. (a) There is authorized to be established a nonprofit corporation, to be known as the National Institute of Building Sciences (hereinafter referred to as the "Institute"), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

(b) The National Academy of Sciences and the National Academy of Engineering (hereinafter referred to as the "Academies") are requested to (1) advise and assist in the establishment of the Institute; (2) recommend an organizational framework to encourage the maximum participation feasible of technical organizations and institutions now engaged in the development of standards for building materials and construction techniques, the promulgation and updating of building code requirements, and the advancement of building technology; and (3) recommend appropriate organizational rules and procedures, including the selection and operation of the technical staff. Such rules and procedures shall be based upon the primary object of promoting the public interest and shall insure that the widest possible variety of interests and experience shall be represented in the Institute's operations.

(c) The Institute shall have a Board of Directors (hereinafter referred to as the "Board") consisting of fifteen members appointed by the President, by and with the advice and consent of the Senate. In selecting persons to serve on the Board the President shall appoint members from lists of highly qualified persons prepared and submitted to the President by the Academies. Insofar as is practicable, the Board shall be representative of the various regions of the country, of the various sections of the building industry, of all levels of government, and of the various types of experience or training which is appropriate to the functions and responsibilities of the Institute.

(d) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute under the District of Columbia Nonprofit Corporation Act.

(e) The term of office of each member of the Board shall be six years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, five at the end of two years, five at the end of four years, and five at the end of six years. No member shall be eligible to serve in excess of two consecutive terms of six years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has qualified.

(f) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

(g) The President shall designate one of the members first appointed to the Board as Chairman; thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as a Vice Chairman or Vice Chairmen.

(h) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this Act be entitled to receive compensation at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (section 5703 of title 5 of the United States Code) for persons in the Government service employed intermittently.

(i) The Institute shall have a President and such other officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

SEC. 3. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

POWERS AND DUTIES

SEC. 4. (a) The Institute is authorized to—

(1) develop, revise, and publish standards affecting all building materials;

(2) develop, revise, and publish standards for use in local building codes;

(3) promote and coordinate tests and studies, and on the basis thereof publish its evaluation, of new building products, equipment, and construciton techniques and systems;

(4) promote and coordinate research with respect to building and construction technology;

(5) assemble, classify, and disseminate technical data relating to building and construction technology;

(6) enter into contracts with public or private entities to provide research and technical services with respect to specific building or construction materials, equipment, techniques, or related matters, and make reasonable charges therefor; and

(7) assemble and coordinate to the extent practicable, within a single voluntary institution, the activities of the various public and private agencies, institutions, and technical societies currently engaged in activities which the Institute is authorized to undertake under this section.

(b) In carrying out the duties under this section, the Institute shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, and may—

(1) obtain grants and receive donations from public or private sources to be used in the exercise of its functions;

(2) utilize, on a reimbursable basis, the services and facilities of any department or agency of the Government with the consent of the head thereof; and

(3) obtain by contract with public or private agencies or institutions, research, studies, or other assistance in furtherance of its functions.

REPORT TO CONGRESS

SEC. 5. The Institute shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Institute deems appropriate.

APPROPRIATIONS

SEC. 6. (a) There is authorized to be appropriated for expenses of the Institute the sum of $5,000,000 for each fiscal year commencing after June 30, 1969, and ending prior to July 1, 1975; any amounts so appropriated to remain available until expended.

(b) For any fiscal year commencing after June 30, 1975, there are authorized to be appropriated to the Institute such sums, to supplement funds which are otherwise available to the Institute from fees, charges, grants, or otherwise, as may be necessary and appropriate to enable the Institute to carry out its functions under this Act.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 7. (a) (1) The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits

shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Institute and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by section 5. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Institute's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b)(1) The financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Institute are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Institute pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Institute shall remain in possession and custody of the Institute.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Institute, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Institute at the time submitted to the Congress.

REPEAL, ALTERATION, OR AMENDMENT

SEC. 8. The right to repeal, alter, or amend this Act at any time is expressly reserved.

THE 100TH ANNIVERSARY OF DEATH OF AGOSTON HARASZTHY

Mr. MURPHY. Mr. President, on Sunday, May 11, at the Department of Agriculture in Washington, D.C., the American Hungarian Federation sponsored a commemorative session at the opening of the Agoston Haraszthy Centennial Exhibition. This exhibition commemorates the 100th anniversary of the death of Agoston Haraszthy—1812–69—who obtained from Europe and brought to California the cuttings for the high quality grapes which gave birth to the California wine industry.

Mr. President, it is a pleasure for me to join in paying tribute to this Hungarian-born pioneer whose initiative has meant so much to my State of California and to people everywhere who enjoy good wine.

I believe that the proceedings at the Agoston Haraszthy commemorative session would be of interest to our citizens. I ask unanimous consent that the following be included in the RECORD at this point in my remarks:

The invocation delivered by Rev. Dr. Edward L. R. Elson, Chaplain of the U.S. Senate.

The opening address by Mr. Jan Haraszthy, of Altadena, Calif.

A message from Gov. Ronald Reagan, of California.

A statement by Representative DON H. CLAUSEN.

The remarks of the Right Reverend Zoltan Beky, D.D., bishop emeritus, chairman of the board of directors, American Hungarian Federation.

The remarks by Maynard A. Amerine, professor of enology, University of California at Davis, Calif., on the "Importance of Agoston Haraszthy's Activities for the Development of Viticulture in California."

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

INVOCATION DELIVERED BY THE REVEREND DR. EDWARD L. R. ELSON, CHAPLAIN OF THE U.S. SENATE

Almighty God, who has given us this good land for our heritage, we give Thee thanks for the hero's valor, patriotic devotion and for the toil of hand and brain by which we have become great and strong. We thank Thee for the multitudes from the nations of the earth who have found here a haven of peace and brotherhood and life's fulfillment. We thank Thee for Thy servant whose memory we honor this day and for his vast contribution to this his adopted nation. As we treasure his memory, renew in us our dedication to the ideals and principles upon which the nation was founded, and by obedience to Thy laws equip us in our day to be the servants of all mankind. Let goodness and mercy abide in us that we may abide with Thee eternally.

Through Jesus Christ our Lord. Amen.

OPENING ADDRESS BY MR. JAN HARASZTHY, OF ALTADENA, CALIF.

I am deeply appreciative of the honor of being here today, not only because of my relationship to Agoston Haraszthy but also because of my close association with the results of his work.

Today, we of Buena Vista Winery very much feel his presence, from the gathering of the grapes from the vineyards he planted in Sonoma's Valley of the Moon so long ago, to processing them in the same two great stone buildings he built in 1857.

And he has left us a challenge—a challenge our California wine country tries to meet—to produce as fine a wine as this land of ours is capable.

But I also think he has left us a broader legacy—one of courage and enterprise and patience in seeking a goal, perhaps of adventure and the willingness to take a risk, but above all—of vision. And perhaps it is these qualities which are our true heritage from Americans of all nationalities, these qualities refined to meet the infinitely more complex and larger problems of today.

MESSAGE FROM GOV. RONALD REAGAN, OF CALIFORNIA

Colonel Agoston Haraszthy can well be called the Father of the Wine Industry in California. Although the Mission Fathers brought to California the culture of vines and wine making for their mission uses it was not until Colonel Haraszthy was commissioned by Governor John Downey in 1861 to procure from Europe cuttings for really fine varieties of grapes for California, that the industry of wine making began to achieve success and to produce really fine wines.

Ever since that time, from the 300 varieties of grapes he brought to California and planted, the wine industry of our Golden State has been improving until in the past few decades California wines have become renowned around the world as second to none. Eighty-five percent of the wine produced and consumed in America comes from California, with California vineyards producing 160 million gallons of wine a year.

California's soil and climate are ideal for this industry, but we certainly acknowledge our debt to Colonel Haraszthy for launching the industry into worldwide fame.

STATEMENT BY CONGRESSMAN DON H. CLAUSEN ON THE OPENING OF THE AGOSTON HARASZTHY CENTENNIAL EXHIBITION, MAY 11, 1969, WASHINGTON, D.C.

I deeply regret that, due to a previous commitment, I cannot be with you in person today to honor Colonel Agoston Haraszthy; the "Father of Modern California Viticulture."

I am sure that when Colonel Haraszthy was commissioned by California Governor John Downey in 1861 to bring to California cuttings from Europe's best vineyards, he had no idea that he would become known as the "Father" of California's wine industry: an industry that 100 years later would produce over 80% of the wine consumed in America.

His move to Sonoma in 1857, has had a tremendous effect not only on that immediate vicinity, but on all of California's wine producing area. From the small start of a 16-acre vineyard grew a quality wine industry that is second to none in the world. From this small vineyard in the Sonoma Valley has grown a viable industry that now produces over 160 million gallons of wine annually.

Colonel Haraszthy's travels to Europe are now legend. From Liverpool to Marseille and Frankfort to Malaga, the Colonel and his son traveled, gathering many varieties of vines that they felt would grow in the rich soils of California. On his return, although unable to get the necessary funding needed to distribute the vines as he wished to, this determined Hungarian-American took it upon himself to spread the vines that he had acquired throughout California.

Now today he is being honored at the opening of this exhibit which will bear his name. I only wish that I could be there personally to honor this great man who has done so much for California's economic growth and development.

My congratulations to the American Hungarian Federation for making all this possible as a constant reminder of Colonel Haraszthy's contribution to the people of California, and particularly to those in my First Congressional District whom I am proud and privileged to represent here in the Congress.

REMARKS OF THE RIGHT REVEREND ZOLTAN BEKY, D.D., BISHOP EMERITUS, CHAIRMAN OF THE BOARD OF DIRECTORS, AMERICAN HUNGARIAN FEDERATION, AT THE OPENING OF THE AGOSTON HARASZTHY CENTENNIAL EXHIBIT AT THE DEPARTMENT OF AGRICULTURE

As Chairman of the Board of the American Hungarian Federation, I feel greatly privileged to open the Agoston Haraszthy Centennial Exhibition.

The material and the selections of this Exhibition were selected, prepared and col-

lated by the untiring efforts and work of our able Vice President, who is also chairman of the Cultural Committee, Dr. Elemer Bako. This Exhibition, as you will see, consists of important historical documents, photographed replicas of original materials, like the annual reports of the Agricultural Division of the United States Patent Office (the predecessor to the present Department of Agriculture), books, scientific and popular articles and essays related to the creative activities of Agoston Haraszthy, both at Buena Vista, his original estate in Sonoma County, and other parts of the State of California as well.

Needless to say how happy we are, to have with us at this great occasion, Mr. Jan Haraszthy from Altadena, California, a direct descendant of the "Father of Modern Californian Viticulture." We regard it as a special honor that he is able to participate right after me in the opening ceremony of this excellent exhibition.

Also it is my pleasant duty to express my gratitude in the name of the American Hungarian Federation to the chairman of the board of United Press International, Mr. Frank Bartholomew, for his wisdom and dedication, his purposeful leadership and foresight in restoring the original Haraszthy estate to its earlier levels of productivity and thereby restoring also the fame of the great Agoston Haraszthy in our times.

We are also indebted to the Department of Agriculture for having provided us with these most proper facilities and location, as well as with their guidance and advice in connection with the preparatory work of today's program.

Finally, we wish to thank to Dr. Z. Michael Szaz who helped with the work of the Committee in bringing this event to the attention of official California and government circles and Mr. Laszlo B. de Simon, our decorator-artist whose selfless work and excellent artisanship greatly enhanced the materials collected by Dr. Bako. Special thanks are herewith extended to Mrs. Gabriella F. Koszorus for having lent her marvelous painting for this occasion.

Ladies and Gentleman! Herewith I declare the Agoston Haraszthy Centennial Exhibition open.

THE IMPORTANCE OF AGOSTON HARASZTHY'S ACTIVITIES FOR THE DEVELOPMENT OF VITICULTURE IN CALIFORNIA

(By Maynard A. Amerine, professor of Enology, University of California at Davis)

The late 18th and 19th centuries were a period of intense interest throughout Europe in the biological sciences and particularly in the development of the grape and wine industry. Private citizens took a passionate interest in grape varieties and in methods of improving the processing of their wines. Experiment stations were established by local and national agencies and in many localities in France, Italy, Austria, Hungary and elsewhere. Their efforts were greatly stimulated by the development of botany as a full scaled branch of science. This then is the Hungarian background from which Agoston Haraszthy came.

Hungary was a land with a long viticultural history. Vines were planted there as early as the eighth to sixth century B.C. according to Nemeth. Thanks to its long viticultural history it is a land rich in native grape varieties. As a result of the numerous colonizing efforts of the Austro-Hungarian Empire most of the important grape varieties of western Europe found their way to Hungary. Haraszthy's native region, modern Croatia, is a land noted for its white wines and before he left there he had grown grapes for wine making. It is, therefore, no surprise that when Agoston Haraszthy arrived in California he immediately took interest in growing grapes. He planted his first vines in March 1850 in the area now known as Mission Valley, a few miles from the center of modern San Diego.

Grapes were first planted in San Diego county in 1769 or 1770 by the padres from Baja California. This had been the pattern at the missions they established in Mexico, Baja California, and later at the many missions in California. The variety they planted had been developed in Mexico, whether from rootings or seeds from Spain is not known. It is now called the Mission in California and Criolla in Latin America. It is a true *Vitis vinifera*, or European grape. Although it is vigorous and bears well, the fruit is poorly adapted to making good wine—it is a late-ripener and, therefore, low in acid. It also has a poor color.

Haraszthy obviously noted these defects because in 1850 he ordered vines from Europe and apparently they duly arrived and were planted in 1851. These were not the first direct importation of grapes from Europe. This honor may belong to Louis Vignes who had planted vines in Los Angeles in the 1830's. Fredericksen, Haraszthy's best biographer, gives credit to Vigne's successful importations as stimulating Haraszthy's interest in importation. Nevertheless, it is important to us because it is the first of the several importations of grapes from Europe by Agoston Haraszthy.

By 1852 he had left the San Diego area and settled in San Francisco and a second importation of vines (presumably some of those that arrived in San Diego in 1851) were planted near Mission Dolores in San Francisco that spring. It is this 1852 shipment which came from Hungary that is supposed to have contained the Zinfandel variety. Another shipment the same year from Malage in Spain apparently contained the Muscat of Alexandria variety.

The identity of the latter variety is not in doubt. It is planted in many places in Europe under this name. The identity of the Zinfandel is less easy to establish. So far as we know, and the great European ampelographys confirm this, there is no Zinfandel variety growing in Europe. There is a *Zierfandler* in central Europe but the description does not fit that of Haraszthy's California Zinfandel. Could it have been a cultivar of *Zierfandler* which Haraszthy renamed with the simpler spelling? Or, does Haraszthy's Zinfandel still grow in some remote vineyard in central Europe under the same or a different name? Perhaps we shall never know the answers to these questions. It is noteworthy, however, that Haraszthy's son, Arpad, writing about the history of the Zinfandel twenty years later, gives us no clues to this mystery.

What is important is that both of these varieties were subsequently widely planted in the state and were of the greatest importance to the development of the wine and raisin industries. In 1967, there were 22,569 acres of Zinfandel and 18,688 of Muscat of Alexandria planted in California. In 1968 I tasted wines made of Zinfandel grapes grown in South Africa! The Zinfandel variety has many attractive features which I have described in greater details elsewhere. It bears abundant crops. The wine has a fruity and recognizable aroma which has been described as berry- or raspberry-like. Contrary to common report it does not always mature early—its best wines profit by cask and bottle aging. Zinfandel is not without defects. It ripens unevenly. For our pioneers this was no defect. They were interested in high alcohol which uneven ripening makes possible. Today by careful selection of the vineyard site even this is no insurmountable defect. It is surely one of the two or three fine red wine grapes of California. The monetary value of the millions of gallons of California Zinfandel wine which have been produced and sold in the last 100 years cannot be measured in dollars; let alone in the pleasure it has brought to millions of Americans. Even if he did not actually import the Zinfandel, there is no doubt that it was Haraszthy who popularized its culture.

The Muscat of Alexandria is important as a raisin- and table-grape variety. It, too, under favorable conditions, bears well. Haraszthy does not seem to have followed this variety with as much interest as the Zinfandel—possibly because it did not come from Hungary but more probably because it makes miserable table wines. He probably dried some grapes himself and also introduced them to Briggs, this great raisin pioneer of California.

The introduction of these two varieties constitutes Haraszthy's first important contribution to California viticulture.

San Francisco did not prove to be a favorable location for a vineyard, primarily because of its cool foggy summers. This was the reason he purchased the Crystal Springs area about 15 miles south of San Francisco in 1853. The Zinfandels and Muscat of Alexandria and possibly other varieties from nurserymen in California and New York were planted there in 1854. Unfortunately, this area also proved to be somewhat too cool for optimum grape maturation and by 1857 he had purchased land near Sonoma.

Haraszthy's second and greatest influence on California viticulture is derived from the establishment of this vineyard and subsequently of its winery. The title "father of modern California viticulture" is undoubtedly due to the development of Sonoma as a major viticultural and wine-producing area.

Sonoma was not a new viticultural area. General Mariano G. Vallejo had settled there some twenty years earlier and had a vineyard and winery, but in the whole valley there were barely 50 acres of grapes in 1857—and these mainly of table grapes or of the Mission variety. We do not know why he chose Sonoma over Napa or Santa Clara or Livermore. But it was a wise choice because Sonoma is today one of the best wine grape areas in the state.

Activity at Buena Vista was most intense in 1857 when he moved there. Attila was in charge of the vineyard and the Crystal Springs vines were moved to Sonoma. A fine home was also constructed.

In the development of Buena Vista we see Haraszthy at his enthusiastic best. He not only planted vines and more vines (about 20 acres at Buena Vista in 1857) but he also induced his friends to plant vines (nearly 100 acres in 1857). The main inducement was undoubtedly his own personal persuasion. However, in 1858 he wrote a "Report on Grapes and Wines in California" for the California State Agricultural Society. This was practical and persuasive. It told how to plant a vineyard and it also predicted what the profits might be. It undoubtedly encouraged many settlers to plant a vineyard. He, himself, planted about 40 acres in 1858, 100 in 1860, and 200 in 1861. Following his leadership his friends also planted vineyards in the area.

This report is notable for his keen perception that testing grape varieties in various locations was the first step to improving the quality of California wines. He also recommended that American consuls collect and distribute vine cuttings at government expense. The foreign plant introductory activities of the United States Department of Agriculture were far in the future in 1857. He predicted this introduction of new varieties would lead to the production of so much fine wine and brandy in California that there would be no need to import wines, indeed, California wines would be exported. Alas, neither of these predictions has yet been fulfilled.

The Buena Vista winery was started later in 1857. It took the traditional form of a cave into the hillside. There were many advantages of this type of construction. Cali-

fornia is often hot in the summer and fall. Wines mature much better and with less danger of spoilage at the cool temperatures cellars provided. Their higher humidity also reduced ullage. The cellar was expanded in 1858. And they were cheap to construct ($8.00 per month and board for Chinese labor). Thus, by planting he encouraged others to plant. He sold cuttings, advised on varieties, and displayed his own wines at fairs where he won prizes.

His most prestigious accomplishment was his European trip in 1861. The legislature passed legislation providing for a "Commission upon the ways and means best adapted to promote improvement and growth of the grape-vine in California." The resolution passed the Assembly on March 2, 1861 and the Senate concurred on April 1. The charge of the commission was: "to examine into and report upon the growth, culture, and improvement, of the grape vine in California . . . to collect together all the useful and valuable grape-vine, cuttings, and feed, for distribution among our people . . ."

The Commission consisted of Colonel John J. Warner, who was and did report on the situation in California, Mr. Schell, who was to report on South America, and Haraszthy who was to report on Europe. The ink was hardly dry on the governor's signature when Haraszthy took off for New York and Europe. So far as we know his was the only extensive report to be published.

His report was a book published in New York by Harper's in 1862: *Grape Culture, Wines and Wine Making.* In fact, the first part of the book is a diary of his trip. In a little over two months he visited the Burgundy district, Germany, Switzerland, Italy, Southern France, Bordeaux, Spain to Malaga, and by October, 1861 he was in Liverpool to sail home.

In the preface of his book he states that he conceived the idea to study grape varieties and methods of making wine in Europe, that he "communicated this view to the Governor, and offered my services to proceed to Europe, if he should think it desirable. *He approved my suggestion, and sanctioned the enterprise . . .*" He noted that the Legislature had not made any appropriation for the necessary expenses so he used his own "having been assured that my traveling expenses and money laid out for the purchase of the vines and trees would be refunded by the next Legislature." (Italics of the author)

His conclusion was: "That California is superior in all the conditions of soil, climate, and other natural advantages, to the most favored wine-producing districts of Europe." All that California lacked was varieties of grapes and care and science in the manufacture of wine. And he said "California can produce as noble and generous a wine as any in Europe; more in quantity to the acre, and without the repeated failures through frosts, summer rains, hailstorms or other causes." I consider these statements of Haraszthy his major contribution to California viticulture. They were made with twelve years experience in California. Even discounting Haraszthy's natural enthusiasm, they were the basis upon which the modern Californian wine industry is based.

His report stated that he had purchased 100,000 vines "embracing about 1,400 varieties." The number of vines appears correct but the number of varieties is probably too large because it included many duplicates. Frederickson states 300 is a better figure. Even so, it is an impressive number. As an example of his care he employed a gardener to accompany the shipment from New York to California. Haraszthy was obviously a selective purchaser of vines, choosing only the varieties he considered new and useful.

Although Colonel Warner was to report on grape growing in California Haraszthy includes an essay of 16 pages on the subject in his book. His diary and this essay occupied 158 pages of a total of 420. The remainder were devoted to translations of works on grape growing, wine making, sparkling wine production, raisin making, silk worm growing and sugar making (mainly from the German) of Leuchs, Dr. Gall, Rubens, Beyre, Lucas, Ziegler, of Philippi and Ekert. One, on sorghum was a reprint of Olcott's essay in English.

The vines and fruit trees duly arrived in January 1862. Haraszthy asked the Legislature for $12,000 and planned to distribute them on a statewide basis. The Legislature did neither and the vines ended up at Buena Vista. Doubtless a better distribution could have been devised. However, Haraszthy cultivated some of the best in his own vineyards and the rest were sold.

The trip must, however, be considered a success. The basic premise of Haraszthy that the variety of grape is *the* most important consideration was exactly the right one for a state saddled with the worthless Mission variety. Furthermore, the book recognized good wine where he found it and took a progressive look at cleanliness, new machinery and care in wine making.

The last five years in California found Haraszthy's Buena Vista changing hands. In March 1863 the Buena Vista Vinicultural Society was incorporated and Haraszthy became its superintendent. There were 400 acres in grapes at this time and the prospectus for the new corporation outlined plans for more: 3,500 acres by 1870 producing 2¼ million gallons by 1873, with 100,000 gallons of brandy and 95,000 of vinegar. The winery was at once enlarged. Considerable money was spent trying to produce sparkling wines. Neither the acreage or production figures were achieved.

By 1866 Haraszthy was no longer at Buena Vista but was operating a vineyard and winery northwest of Sonoma with his son Attila. There was an explosion in the distillery and one of his cellars burned. Haraszthy was in Nicaragua by the spring of 1868.

During these last years in California Haraszthy was often a spokesman for the California grape and wine industry, particularly in protesting government taxes. In 1865 he went to Washington on such a mission.

In retrospect, we can not measure with accuracy the total influence of Haraszthy on the California grape and wine industry, but it was very great. His enthusiasm for grape growing and wine making must have influenced many settlers. Even his failure in San Francisco and Crystal Springs was an achievement as it warned others not to plant in these areas. His success at Buena Vista was spectacular, thanks to this enthusiasm and organizing ability. His importation of grape varieties puts us in his debt for all time. His insistence on the importance of fine wine grape varieties was exactly right. It was not until 1880–1893 that Dean Eugene Waldemar Hilgard of the University of California carried out systematic studies on this subject. Haraszthy's thesis was abundantly substantiated by these experiments and by those conducted at the University since World War II. The winery at Sonoma was and is an outstanding accomplishment.

Finally, his son Arpad became a leader in the new wine industry which began about 1880 and made further important contributions to the California grape and wine industry.

VOTING RIGHTS

Mr. McGOVERN. Mr. President, I was deeply concerned to read in this morning's Washington Post a report that the Attorney General favors termination of the Federal Government's power under the Voting Rights Act of 1965 to send voting examiners to political subdivisions designated in section 4 of the act.

I think this would be a very costly error on the part of the Government, as well as a step backward in the continuing campaign to strike away legal barriers to full participation in our society.

The 1965 Voting Rights Act, with its provisions under section 6 for sending special Federal examiners into counties where patterns of voter discrimination exist, has been a most effective statute in promoting and protecting the right to vote—a right guaranteed to all citizens of this country by the 15th amendment. Since 1965, voter registration has increased 50 percent in the counties covered by the act. Dozens of Negro officials have been elected to State and local office once denied them through practices which abridged the right to vote among their people.

Few pieces of legislation in the history of this Nation have done more to provide for peaceful, orderly change. It would be foolish indeed to revoke the mandate of this historic legislation and to risk a revival of the odious voter-discrimination practices which have no place in this country, and which offend our present efforts to increase popular participation at all levels of the political process.

ATTEMPT TO STAMPEDE SENIOR CITIZENS ON STV

Mr. MURPHY. Mr. President, I have long been concerned with the welfare of America's senior citizens. In these inflationary times, the nearly 20 million older Americans living on fixed incomes are among those most painfully affected by rising costs. I have also been actively concerned with the entertainment industry for over 25 years, both as to production and distribution and reception by audience.

That is why I am so disturbed by what I consider a cynical attempt to capitalize on unfounded economic fears of this substantial segment of the American population by a group more interested in its own ledger sheets than in the welfare and enjoyment of the elderly.

I refer specifically to the "save free TV" campaign which has been launched by opponents of free-choice TV in order to thwart the initiation of subscription television. Subscription television—STV—has been duly authorized by the Federal Communications Commission after a 17-year debate.

The FCC had planned to start receiving license requests as of June 12, but has now agreed to delay issuance of any license until 60 days after the U.S. court of appeals rules on a suit brought by the theater owners and the Joint Committee Against Toll TV, to halt free-choice TV.

Not content with relying on the court to judge the issue, the aforementioned groups have launched an unbelievable advertising and propaganda campaign intended to stampede senior citizens into signing petitions and writing letters to Congress against STV television.

Some of these petitions, I am advised, are being delivered to Congress now.

What alarms me is the deliberate attempt to distort the facts and unnecessarily scare senior citizens who already have more than enough problems to concern them in their sunset years.

For instance, those who would stop free choice TV, advertised in TV Guide recently:

> Pay TV (Free Choice TV) would compel you and your family to subscribe and pay for the same type of TV program you now receive free.

This is not true.

An examination of the rules established by the FCC clearly shows that no one will be compelled to subscribe to STV, that it will not eliminate any programs now shown on commercial TV and that, in fact, the FCC has taken elaborate precautions to assure that the proposed STV supplements, but does not compete with, or supplant, conventional television broadcasting.

Subscription television specifically is prohibited from showing dramatic programs with continuing plots, like "Peyton Place" or "Bonanza." Nor can it broadcast sports events now regularly shown on TV, such as baseball and football games, the World Series or football bowl events. Nor can STV—Free choice TV—charge for showing any movie that is more than 2 years old, according to the conditions laid down by the FCC.

However, many senior citizens, and others as well, are being told that they will have to pay to watch these staple items of broadcast fare—an absolute falsehood.

The FCC rules also require that STV cannot be introduced in an area unless the inhabitants can receive a class A signal from at least four commercial television stations, so that areas which have STV—free choice TV—will always have a choice of at least four free channels. Furthermore, any station licensed to broadcast STV must also provide at least 28 hours of free broadcasting per week to supplement the subscription fare.

The fear of excessive cost of subscription programing is not borne out by experience. Judging from experiments already conducted, STV—free choice TV—program prices will range from about 50 cents for some programs to $1 and $2 for others, for instance, a first-run movie. Since the person watching the show must use a patented decoder device to select the program he wants, he can only see the programs he chooses—and cannot run up a "big bill" by leaving the set on.

In my view, the scare campaign generated against STV is obvious, synthetic, and entirely without merit. It is my firm conviction that a successful STV—free choice TV—operation will, in fact, enhance the entertainment opportunities of all citizens, including our senior citizens, at less cost than is now possible.

Members of a golden years club, for instance, might well be able to watch an opera, symphony, or ballet at a very small fraction of the cost of a ticket to a live performance. In fact, STV may for the first time make it possible for older Americans to see performances now closed to them for economic reasons. And most important—the choice of the program is made by the viewer—not by some advertiser or network officer.

Certainly, the courts and the Congress have ability to judge the proposed system on its merits. It seems to me, Mr. President, that trying to conjure a wave of protest to support the position of STV or free choice TV opponents is a distinct disservice to our senior citizens and an attempt to use propaganda and pressure to influence both the regulatory bodies and the public.

Mr. President, the Wall Street Journal of May 5 printed what I consider to be a logical evaluation of this situation. I commend it to my colleagues and ask unanimous consent that the editorial, entitled "Let's Be Fair to the Public," be printed in the RECORD.

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

LET'S BE FAIR TO THE PUBLIC

Many movie theater marquees around the country now carry an additional line, "Save Free TV." It's a discouraging reminder that the foes of pay, or subscription, television still are active.

Although television stations and networks have been active in the opposition in the past, the attack now appears to be led by the theater owners. What disturbs them is that the Federal Communications Commission has authorized the start of subscription TV in June.

Obviously enough, the theater owners would like the Government to continue outlawing a potential competitor. Their approach, however, is the old one: That pay TV would be unfair to the public.

According to D. John Phillips, national co-chairman of the Joint Labor and Management Committee to Save Free TV, the advent of pay television is sure to kill off the free variety. This development, he goes on, "strikes against just about everybody. Once the public is strapped and must pay for TV, they'll have to spend more money for programs and have less for other things. They'll put less money in the bank, go to restaurants less often, buy less gas, use parking lots fewer times, and so on, down the line.

"This will affect employment as businesses fail, will lower real estate values, and lessen tax revenues overall."

In reality, the chances that pay TV could cause any such cataclysm are at best remote. Experiments with subscription service certainly have not shown that the idea is sure to be a smashing success. And pay TV will have to become extremely affluent before it could ever begin to outbid the present networks for sports events, top performers and other personnel.

If an overwhelming demand for subscription TV did develop, it would in part demonstrate a deep public dissatisfaction with the entertainment presently provided by free television and the movies. A moderate demand, which is much more likely, could even prod the TV and movie industries into fresh efforts to upgrade their products.

That, of course, is the way competition works. In fairness to the public, it's high time that more competition got into the picture.

FUTURE OF THE ATLANTIC ALLIANCE

Mr. MATHIAS. Mr. President, in recent years the problems of the Atlantic alliance have received attention in the United States primarily in response to General de Gaulle's gestures of grandeur and independence. As the French people elect new leadership, it is certainly timely for us to review the present state of and future alternatives for NATO and for our relations with the nations of Western Europe.

The Honorable Robert F. Ellsworth, our new Ambassador to NATO, discussed the opportunities for the Atlantic alliance in a thoughtful speech at Westminster College, Fulton, Mo., on May 10. Ambassador Ellsworth spoke at the conclusion of the week of dedication of the Winston S. Churchill Memorial and Library there.

This speech merits wide attention, and I ask unanimous consent to include it in the RECORD at this point.

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

FUTURE OF THE ATLANTIC ALLIANCE

In speaking about the future, I will need to speak about the past, because the past twenty years of the Atlantic Alliance have set a foundation for the future—although some of the grand visions of the last two decades have not been realized.

For example, a United States of Europe, the dynamic post-War vision of Jean Monnet, does not seem to be in the cards.

An Atlantic Union now would have little popular support on either side of the Atlantic.

The third grand vision of the past 20 years has not diminished; but its peaceful purpose still depends on the views and moves of the men in the Kremlin. That purpose—shared by all of our Allies—is the settlement of the problems of Europe left over from World War II: the Berlin problem, the German problem, and the tragic division between the peoples of Eastern and Western Europe—the division to which Churchill drew attention with his Fulton speech: "From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent . . ."

Overcoming the armed division of Europe in two camps—East and West—continues to be one of the main tasks of the Atlantic Alliance. Such an achievement will not come suddenly, from one day to the next or perhaps even from one year to the next. It will likely come slowly, and as part of an intense process of negotiation, of consultation. For our own part, the President has pledged his willingness to enter an era of negotiation and has urged the Allies to consult fully and deeply with each other on the implications of anything that might affect the pattern of East-West relations.

The *process* of political and military consultation, the *process* of negotiation—*process* is a key word in viewing the future of the Atlantic Alliance, for NATO is the living institutional embodiment of a purposeful *process* of response to challenge and to felt need.

The other key word in our future, and a new word in the Alliance lexicon, is ecology: the relationship between man and his total environment. At the 20th Anniversary Session of the North Atlantic Council (the highest council of NATO) in Washington last month, the President said:

"The industrial nations share no challenge more urgent than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man, and helping man learn how to remain in harmony with this rapidly changing world."

Let us look at the future of the Atlantic Alliance, then, in terms of process: a process involving defense, the search for relaxation of East-West tension, and the search for ways to control our environment.

But first let us look briefly at the past.

Just twenty years ago, in May 1949, Winston Churchill spoke of the need for a North Atlantic Treaty Organization (NATO). At the time, Churchill was in the Opposition, just as he was when he made his "Sinews of Peace" speech in 1946 here in Fulton. He proclaimed:

"It is our plain duty to persevere steadfastly, irrespective of party feelings or national diversities, for only in this way have we good chances of securing that lasting world peace . . . on which our hearts are set."

That is still true today.

Some two years earlier, Congressman Richard Nixon was assigned to the special Herter Committee, the committee which laid the foundation for enactment of the historical Marshall Plan. Mr. Nixon has regarded his work on that Committee as the most important work he did during his years in Congress.

Twenty years later, President Nixon made it a very early order of business, in his new Administration, to visit Europe. His first stop was in Brussels, where he spoke to the North Atlantic Council. There the President restated his willingness to enter an era of negotiation with the Soviets and East Europeans, and he pledged full, deep and genuine consultation: a new spirit and process of cooperation within the Alliance. Some of our Allies in recent years have criticized the United States for failing to consult as fully as it might have. The President has made it clear that there will be no further grounds for such criticisms.

The President's two addresses to the North Atlantic Council—in Brussels in February and in Washington in April—were the first major policy addresses of his Presidency.

He reminded the Alliance in Washington:

"Two decades ago, the men who founded NATO faced the truth of their times; as a result, the Western world prospers in freedom. We must follow their example by once again facing the truth—not of earlier times, but of our own . . .

"NATO is needed; and the American commitment to NATO will remain in force and remain strong. We in America continue to consider Europe's security as our own."

As I see it, the people of this country have three clear interests in the Atlantic Alliance.

(1) Twice in this century America has been drawn into European wars. We are entitled to maintain a basic interest in preventing conflict in Western Europe, remote as that possibility is today. The great Churchill himself spoke in 1952 of ". . . the thousand-years' quarrel which has torn Europe to pieces . . ."

(2) The pursuit of a stable peace, not only with Moscow but also with the nations of Eastern Europe. Here the Atlantic Alliance must maintain cohesion and unity in approaching the difficult and potentially divisive issues affecting East-West relations.

(3) Development of closer and more effective relationships among the arts, the economies, and the technologies whose interdependence gives substance to our emerging common civilization.

Pursuit of peace depends above all on solid military security in the West, and our prospect for success in any arms limitation or force reduction negotiation depends direltly on the adequacy of our joint security arrangements in the Atlantic Alliance.

Thus, we must preserve military strength and political solidarity to deter aggression; and if it does occur, we must be ready to join in the common defense.

To be realistic, we must recognize that the Alliance today has problems on this score. Allies need to be strengthened through improvements which have been recognized as necessary, and which the Allies have agreed to undertake.

Let me make one thing clear: so long as the achievement of a European settlement remains a major piece of the unfinished business of our troubled world, the Atlantic Alliance must remain strong. President Nixon said recently:

"It is not enough to talk of flexible response, if at the same time we reduce our flexibility by cutting back on conventional forces."

With respect to the political processes of the Alliance, President Nixon said in Washington last month:

"It is not enough to talk of relaxing tension, unless we keep in mind that twenty years of tension were not caused by superficial misunderstanding. A change of mood is useful if it reflects some change of mind about political purpose. . . ."

He also said:

"It is not enough to talk of European security in the abstract; we must know the elements of insecurity and how to remove them."

The President has proposed a fundamental change for the Atlantic Alliance: a breakthrough to a new and deeper form of political consultation as a means of approaching these issues. Thus, in connection with the forthcoming strategic arms limitations talks with the Soviet Union, the President has pledged and asked for full, deep, and genuine and continuing Alliance consultation—for such talks will clearly involve not only our own security but also that of our allies.

The other major Alliance task for the future is the development of a framework to define community interests in our ecology—our total environment. As Admiral Rickover said last Wednesday, the problem of making wise future use of technology might be the paramount issue facing the people of all industrial democracies.

At the 1969 Washington Ministerial Session of the North Atlantic Council, the nations agreed:

"The members of the Alliance are conscious that they share common environmental problems which, unless squarely faced, could imperil the welfare and progress of their societies . . ."

There is much conventional wisdom about the problems of our environment and of our urban societies. Most of it tells us how difficult these problems are. A review of it shows how few are the solutions which we can be confident will really work, and how important it is that we find some way of exchanging views and ideas in an organized fashion designed to benefit those involved in formulating broad public policy on essentially internal problems. For instance, our own Defense Department, uninhibited by local regulations or traditions, has made significant advances in the design, construction and administration of hospitals on a "systems" basis. Studies might be made, similarly, of training and use of paramedical personnel; helicopter rescue service for accident victims; occupational and physical therapy; the movement of goods and people; heliport construction and operation; school construction; language teaching; and other education practices. This would stress the positive spinoff of defense efforts and could result in better mechanisms for transfer of the findings.

Other broad categories and headings suggest themselves for possible exploration within the entire Atlantic Alliance.

Environmental matters: urban planning, air and water pollution, urban and inter-urban transportation, conservation, leisure, the harnessing of technology, and the role of the private sector in all these fields.

Civil and social affairs: adapting Western institutions to the technological age; investigating the potential role of the private sector (for example, extension by European governments of tax advantages to contributors to foundations and other organizations seeking to improve the "quality of life.")

Educational matters: stimulating non-military research and technology on an Atlantic basis; promoting equivalence of university entrance requirements and degrees to provide greater international academic mobility; updating and coordinating curricula to provide more meaningful conceptions of the past, present and future for future citizens of an interdependent world; plurinational Peace Corps-Vista-type projects; and modernization of educational theory and practice.

A 20-year-old international alliance is in some ways like a middle-aged university professor: both tend to resist major changes in their life styles. There has been a certain amount of resistance to involving NATO, as such, in environmental problems. But support for this dimension for the Alliance is growing.

By focusing the attention of the Alliance on these problems we do not of course mean to imply that only the members of the Alliance need to confront them. We would expect that Alliance efforts would be closely related to efforts in other international bodies with different memberships. But we are convinced that the Atlantic Alliance, being composed of many of the most advanced industrial countries, can play a major role.

One of the most intriguing and effective aspects of the new Alliance initiative will be the bringing together of the most responsible and knowledgeable officials having broad responsibilities cutting across such fields as education, urban development, technology, and pollution control. We hope that these men and women can cut through bureaucratic undergrowth and bring about workable, pragmatic solutions to problems of our technological age. Within our own government, for example, the Departments of Labor, and of Housing—as well as Mr. Pat Moynihan, Assistant to the President for Urban Affairs—have all expressed interest in the new Alliance initiative.

The new shape of the Atlantic Alliance is not yet here. The strategic arms limitation talks have not begun, nor have negotiations on European problems. The key processes, however, *are* underway: the Alliance was consulted on the President's decision to change the Sentinel ABM system to the more defensive and appropriate Safeguard system, and there is widespread understanding and universal appreciation within the Alliance.

The intense concern over environmental challenges has not had time to take concrete form within the Alliance, notwithstanding extensive conversations and discussions at Brussels and in national capitals.

But, in fact, there will be a new Atlantic Alliance. The future will bring "steadfast perseverance"—to use Churchill's phrase—"steadfast perseverance" in the maintenance of our overall defense strength. It will bring a deepening of the process of political consultation. And, the future will bring better understanding and control of our technology and our environment.

For of course our age is an age of very great peril. The central questions we face in the future are the questions of man's survival in the face of his weapons technology and the effects of his industrial technology on his environment. If we do survive, it will be because we have learned how to consult each other with regard to our political problems, rather than hurl weapons at each other; and because we will have learned to control our industrial technology—to make our world fit for man.

ABM

Mr. EAGLETON. Mr. President, there are obvious and disturbing similarities between the Safeguard anti-ballistic-

missile system and its predecessor, the Sentinel.

The intelligence estimates on which the need for the Sentinel was justified were erroneous. The intelligence estimates used to justify the Safeguard, according to an article in the New York Times of June 18, are now disputed within the Government.

The cost estimates for the Sentinel escalated at frightening pace. So, too, are the estimates on the Safeguard. From the $6.6 billion figure of March, which did not include $1.2 billion for nuclear warheads, the estimate, according to the New York Times of June 18, has increased to $10.8 billion. The additional amount was acknowledged by Secretary Laird on May 22, in testimony before the House Appropriations Committee. He stated that the $7.8 billion estimate did not include the $500 million cost of extending the system to Alaska and Hawaii, nor did it include the $2.5 billion cost of research, development, and testing of the systems components. It must be noted that the new $10.8 billion estimate is preproduction. And as we are learning every day, preproduction estimates are very seldom accurate and never less than ultimate cost.

I ask unanimous consent that an article and a editorial from yesterday's New York Times be entered into the RECORD at this time.

I also ask unanimous consent that a compilation of editorials regarding the ABM controversy be entered into the RECORD at this time.

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

[From the New York Times, June 18, 1969]

U.S. INTELLIGENCE DOUBTS SOVIET HAS FIRST-STRIKE GOAL—BUT JOINT BODY CONCLUDES MOSCOW DOES SEEK MORE THAN PARITY IN MISSILES

(By Peter Grose)

WASHINGTON, June 17.—The United States intelligence community has reportedly concluded that the Soviet Union is not now striving for the capability to launch a first-strike nuclear attack against this country but is probably seeking more than parity with the United States in missile strength.

At meetings last week of the United States Intelligence Board, which is presided over by the Director of Central Intelligence * * * civilian and service intelligence agencies are understood to have reached a consensus estimate of Soviet strategic strength for the coming two or three years.

Sent to the White House as the official judgment of the intelligence community, the detailed and secret survey seems bound to become embroiled in the current controversy over the opening of strategic arms talks with the Russians and the proposed deployment of an antiballistic-missile system.

The White House announced today that the National Security Council would meet tomorrow on arms policies. President Nixon is expected to disclose at a televised news conference at 7 o'clock Thursday night when and where the Administration proposes to open the new round of disarmament talks.

Meanwhile, in a related development, 40 Senators—only 11 short of a majority—joined together as co-sponsors of a resolution urging the President to seek agreement with the Soviet Union to halt testing of multiple-warhead missiles.

The signers included the Senate Democratic leader, Mike Mansfield of Montana, and the Democratic whip, Edward M. Kennedy of Massachusetts. Senator Edward W. Brooke, Republican of Massachusetts, was the chief author of the resolution, which was endorsed by a total of 27 Democrats and 11 Republicans.

SECURITY COUNCIL TO MEET

Critics of the Administration are fearful that Defense Secretary Melvin R. Laird and Pentagon strategists have drowned out Secretary of State William P. Rogers and other potential restraining voices—including the Central Intelligence Agency—in pushing for a stern negotiation position and for costly defense programs by in the critics' view, exaggerating Soviet nuclear capabilities.

Among Congressional opponents of the Safeguard anti-ballistic missile system, there is particular resentment at what they see as the Pentagon's highly selective, if not actually distorted, use of raw intelligence data to promote the pro-ABM position. The same resentment has been voiced privately by intelligence officials themselves.

It is in this context that the high-level consensus estimate of the entire intelligence community assumes special significance.

The United States Intelligence Board is a high-level coordinating group that meets weekly to correlate all the data available across the Government. Sitting on the board under Mr. Helm's chairmanship are representatives of the C.I.A.; the Pentagon's Defense Intelligence Agency; the intelligence branches of the Army, Navy and Air Force; the State Department, the Atomic Energy Commission and the National Security Agency.

These agencies agreed last week that the Russians appear to be moving rapidly, more so than expected several years ago, to strengthen their nuclear forces as a deterrent and are probably striving for more than equality of missile strength with the United States.

DESIRE AND INTENTION

But, in the board's judgment, this drive falls short of an effort to achieve a "first-strike capability"—the capability to destroy enough United States missiles in a first strike to prevent this country from launching an effective retaliatory blow.

The "desire" ultimately to acquire such a capability may be present in some Soviet policy-making circles, the board concluded, but both the capability and the specific intention to achieve it were ruled out for the foreseeable future.

This conclusion was reportedly stated in the formal "national intelligence estimate" without any dissenting footnotes from any of the participating agencies.

Pentagon strategists have repeatedly cited the threat of a Soviet first-strike capability to justify the need for the Safeguard ABM System.

NOT A DIRECT CONTRADICTION

The intelligence community's estimate minimized this threat, though it is not in direct contradiction with the official Pentagon view; Mr. Laird's statements raised the possibility of a Soviet first-strike capability by the mid-1970's, a time beyond the two or three years covered in the intelligence community's estimate.

Preliminary assessments prepared by the C.I.A. and made available to Congressional committees were understood to have come down far harder in rebutting Mr. Laird's arguments about Soviet capabilities.

According to reliable sources, Mr. Helms, aware of the political controversy surrounding the estimates, softened some of the language of the final survey—without altering the basic conclusions—to avert an unnecessary confrontation between the C.I.A. and the Pentagon.

The bureaucratic ordeal of achieving a consensus position among various Government agencies has stirred Congressional interest in the reliability of top-level intelligence and the means by which raw data are analyzed.

In policy controversies, particularly on strategic arms questions, individual agencies' tentative or preliminary assessments are portrayed as the latest authoritative intelligence as they are passed around among participants in the debate.

The purpose of the United States Intelligence Board is to provide a high-level forum for the entire intelligence community to meet and try to achieve a nonpartisan consensus for the President.

Mr. Helms acts as the spokesman for the community and the C.I.A. in policy-making counsels. Pentagon and State Department intelligence assessments can also be called to the President's attention independently by Mr. Laird, by the chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler and by Mr. Rogers.

[From the New York Times, June 18, 1969]

THE COST OF ABM

Critics of antiballistic missile (ABM) deployment have now been confirmed by Defense Secretary Laird in their predictions that the so-called "thin" system would prove far more expensive, if built, than initial Pentagon figures indicated. Mr. Laird's latest figures, declassified from Congressional testimony, reveal that the antimissile system will cost $10.8 billion, twice as much as originally claimed and almost as much as the price tag originally put on one of the "thick" ABM systems long under discussion.

The cost of the original "thin" Sentinel ABM system proposed by the Johnson Administration in September 1967 was said to be $5.5 billion. The Nixon Administration's modified ABM system, Safeguard, was priced for Congress at $6.6 billion in March. It shifted Sentinel sites from urban areas to presumably less expensive nonurban locations. But it added omnidirectional radar and close-in defense of Minuteman ICBM silos, increasing the number of antimissile missiles from 700 to a reported 900 or more.

In May, the Defense Department acknowledged under Congressional and press questioning that it had been understating the price of the proposed Safeguard system by $1.2 billion by not including the Atomic Energy Commission's estimated bill for developing, producing and testing ABM nuclear warheads. The system's total cost then was put at $7.8 billion.

But on May 22, in testimony before the House Appropriations Committee that now has been published, Secretary Laird acknowledged that these figures included neither the $500-million cost of extending the Safeguard system to Alaska and Hawaii nor the $2.5 billion cost of research, development and testing of the system's components.

The present $10.8 billion total is still a preproduction estimate, of course. Most recent experience in procurement of complex new weapons systems is that actual production and construction costs usually exceed original estimates by substantial amounts, apart from the normal effects of inflation. In the end, it would not be surprising if the cost of a "thin" Safeguard defense proved to be substantially more than the heavy system under discussion during the Johnson Administration, which was priced by the Pentagon as purchasable for $13 billion.

Within reason, of course, cost should not be the determining factor in weapons decisions that could affect the life or death of the nation. But this is precisely what is wrong with going ahead on Safeguard: it is not a life-or-death matter. Its utility and workability are challenged by many experts. Even advocates of the "thin" ABM system agree with the original proponent of Sentinel, former Defense Secretary McNamara, that it has only "marginal" value. The Pentagon's obviously unreliable and vastly escalating cost estimates—from $6.6 to $10.8

billion within about two months—make increasingly pertinent the question whether the possible marginal gain is worth the money, especially at a time when urgent civilian needs are going begging.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 15, 1969]

CONTRADICTIONS OF SAFEGUARD

The case for deploying the Safeguard antimissile system has developed so many contradictions that the Nixon Administration would be well advised to lay the project aside for extensive re-examination.

Quite possibly the Administration could browbeat Congress into reluctantly granting the funds. But Mr. Nixon would be unwise to exercise that power. To undertake such a fateful escalation of the arms race without a substantial consensus behind it would alienate a large and important segment of public opinion, especially in the intellectual community. To invoke the sheer political muscle of the Pentagon and its allies in behalf of a highly questionable and costly program would deepen the frustration many Americans feel over their seeming inability to influence the course of events.

Secretary Laird says we must deploy the ABM system in order to protect our land-based missiles from a first-strike attack by the Russians. At the same time, the Administration cites the Russians' mild reaction as evidence that our plans are not provocative. Here is one contradiction. If the Soviets are not bothered by our ABM, it must be for one of two reasons. Either they are convinced from their own experience that it will not work—a conclusion concurred in by many of our own scientists—or they are not actually basing their nuclear strategy upon the ability to destroy our "deterrent." Either way, the case for Safeguard is fatally weakened.

Consider another contradiction. Secretary Laird presents Safeguard as absolutely vital to our national security in the years ahead. But Secretary of State Rogers is willing to bargain the ABM away, so he says, within the next few months. The Administration cannot have it both ways. If our defenses would be stripped naked without ABM, then no treaty to abandon it is justified. If ABM can be put on the bargaining table at the arms talks, then it can be laid on the shelf before the arms talks begin.

Secretary Laird was quite right in recognizing that his whole case for ABM rested on the premise that the Russians, in his words, "are going for a first-strike capability." As the debate has developed, however, it has become progressively clearer that the premise is not a fact but an assumption—a questionable assumption which even the Administration is now backing away from.

Scientific studies for Senators by Ralph E. Lapp argue very strongly that even by the most generous estimate the Soviets cannot acquire the power to knock out all our land-based missiles, which are only one part of our nuclear arsenal. If the Soviets could by a miracle acquire that power, we would still have left for devastating retaliation all our bombers, all our Polaris-Poseidon submarines, all our vast array of nuclear weapons based in Western Europe. To assume that every one of these weapons in our catalogue of overkill could be destroyed in one fell swoop is to wander in the realm of fantasy.

The truth is that Mr. Laird does not know, and neither does anybody else, that the Russians "are going for a first-strike capability." The same weapons which he chooses to regard as offensive in character can with equal reason be regarded as defensive, or "deterrent." Any huge nuclear force can be a first-strike force if it is targeted on the weapons of the other side. Our own enormous arsenal, which we claim is designed only for retaliation, may look like a first-strike force to somebody else.

What it all boils down to is that both superpowers possess far more nuclear weapons than they need to destroy each other, and neither, so long as sanity survives, can afford to use them. In these circumstances, no security will be gained by escalating the arms race another notch. Deploying Safeguard will not deter the Soviets from building more ICBMs; it is fare likelier to have the opposite effect. We need to negotiate an end to the race instead of running it through one more round of escalation.

[From the St. Louis (Mo.) Post-Dispatch, May 8, 1969]

SAFEGUARD: COLLAPSE OF A CASE

The longer the ABM debate goes on, the clearer it becomes that the central issue is not one of strategic imperatives, but of allocation of resources.

The case against deploying the ABM has now been restated by a distinguished scientific panel in a report for Senator Edward M. Kennedy. The case for has been restated by two scientists and a former head of the Joint Chiefs of Staff in a report to the American Security Council, an organ of the military-industrial complex.

Both reports leave the argument pretty much where it was. The fundamental question remains whether, in the present state of world affairs, the arms race, and our domestic social crisis, it is wise or necessary to commit the nation to an expenditure of eight to 20 billion dollars for more nuclear weapons.

The evidence seems to us overwhelmingly on the negative side, and to be buttressed by the constantly shifting grounds on which the Nixon Administration defends its decision to deploy the Safeguard system.

Thus the Kennedy report cuts the ground under Secretary Laird's crucial premise that the ABM is essential because the Soviets are "going for a first-strike capability." It does this so effectively that John S. Foster Jr., the Pentagon's research chief, is compelled to acknowledge that the Soviets cannot really hope to knock out all our offensive missiles at one fell blow. Dr. Foster has had to think up a new rationale. He says the ABM is necessary to give a future President time to consider how he should respond to a nuclear attack; by "protecting" some of our land-based missiles, he says, the ABM would obviate the necessity of instant, automatic retaliation.

But while Dr. Foster is advancing this feeblest of all rationales, the President's security adviser, Henry Kissinger, is spreading the sophisticated word that Safeguard is not directed against the Russians at all, but against the Chinese, just as the Johnson Administration originally said. Nobody, however, suggests that the Chinese are likely to achieve a first-strike capability. And if they are going for a second-strike capability, which can be exercised only against cities, then why is the Safeguard system being deployed around missile bases instead of around cities, as Mr. Johnson originally planned?

The Nixon Administration's confused and contradictory explanations for Safeguard all lead to one conclusion, that the decision to deploy it did not in fact flow from authentic considerations of strategic security. The decision was a pragmatic and political one, designed to satisfy the military-industrial pressures for initiating a new weapons system while inventing a new rationale for it that would, so it was hoped, mollify the developing opposition to Sentinel. For Mr. Nixon, the decision was a holding action, reflecting his reluctance, in the first few days of his Administration, to deny the Pentagon and its contractors what they had set their hearts on.

But there has to be a better reason than this for committing the nation to a vast increase in its nuclear overkill capacity at a time of grave internal crisis. The strategic case for Safeguard having collapsed, Congress should say what Mr. Nixon could not bring himself to say: *No!*

[From the St. Louis (Mo.) Post-Dispatch, May 7, 1969]

OH, YES, THE WARHEADS

Opponents of the antiballistic missile have been saying all along that, judging by past performance, the Pentagon's estimate of costs for the Safeguard system would very likely turn out to be an understatement. That judgment has been verified sooner than might have been expected.

The Pentagon now acknowledges, in response to press inquiries, that the cost figure it has been using in testimony before congressional committees—6.6 billion dollars—was wrong by some 1.2 billions. It turns out that Pentagon spokesmen conveniently neglected to include the cost of the warheads. That is something like pricing a Cadillac without the engine.

This, we confidently predict, is only the beginning. The Union of Concerned Scientists which sponsored the research stoppage at M.I.T. last month, estimates conservatively that the $7 billion price tag on Safeguard "will more than double before completion." Which raises again a persistent question about the military establishment's techniques in selling arms expenditures to the public: When does simple misrepresentation become outright mendacity?

[From the New York Times, May 22, 1969]

ABM: THE CENTRAL ISSUE

The great debate over the Safeguard antiballistic missile (ABM) system has ranged far and wide, but the central issue facing the Congress has been unwittingly clarified by the Pentagon's research chief, Dr. John S. Foster.

Dr. Foster asserts that Phase I of the project—defense of two Minuteman sites against possible Soviet attack—must be authorized this year or it could be outstripped by the Soviet buildup of big offensive SS-9 intercontinental missiles. A one-year delay now in starting Safeguard's Phase I would mean a two-year delay later in completion of the system from 1974 to 1976. The system, Dr. Foster argues, will be needed by 1974 because the Soviet Union is adding to its 200 or more SS-9's at a rate of about 50 a year.

Dr. Foster is frank to admit that "we do not know just how effectively" SS–9 warheads could attack Minuteman silos since "we do not know precisely their accuracy." Further, "we do not know how many SS–9's the Soviets will finally build," Dr. Foster adds, and "perhaps the Soviets themselves haven't decided."

But, the Pentagon's research chief argues, Moscow by 1974 could deploy 420 SS-9's. Soviet technological skill could by then equip each missile with three independently-targeted 5-megaton warheads, a guidance system accurate to one-quarter mile, a failure rate of only 20 percent and a device to replace failures. In that event, the 1,260 SS-9 warheads would have a capability of destroying 950 of America's 1,000 Minuteman silos.

These estimates represent a sharp upgrading of Pentagon figures released only two months ago and many scientists outside the Government are skeptical about them. Moreover, they argue that the Soviet Union, to achieve a first-strike capability and avoid nuclear suicide, would also have to acquire the means to destroy the American Polaris and strategic bomber fleets at one blow.

But there is another and simpler reply to the Administration's case. It is that the easiest and best way to head off a future Soviet threat to the Minuteman force would be to propose an immediate Soviet-American mor-

atorium on deployment and testing of defensive and offensive strategic weapons.

If Moscow agreed, the Soviet SS-9 force would be frozen at less than 250 single-warhead missiles. Soviet development of MIRV warheads (multiple independently targeted re-entry vehicles) and further deployment of antimissile missiles would be halted. Safeguard deployment, no longer urgent, could be deferred. American development of MIRV and the Poseidon and Minuteman III missiles to carry it—planned to penetrate the heavy ABM system it was thought Moscow was building—would no longer be needed.

A moratorium—urged recently by Senators Mansfield, Percy, Cooper and Brooke—would freeze the present Soviet-American nuclear balance, which provides mutual deterrence and security to both sides. This summer's projected strategic arms limitation talks would then seek agreement on a more formal system and, ultimately, arms reductions.

Could the Soviet Union be trusted not to evade a moratorium? No such trust would be needed. Reconnaissance satellites and other intelligence now enable both sides unilaterally to detect any evasions large enough to alter the nuclear balance.

Heading off the next round in the missile race is essentially a matter of halting deployment of ABM's and, even more important, MIRV's—which threaten to multiply nuclear delivery vehicles on both sides many times over. America's interest lies in talking the Soviet Union out of building these systems. It is best done by offering to forgo them for the United States, not by forcing a race that is more than likely to become irreversible than to strengthen the American bargaining position in negotiating a standdown.

[From the St. Louis (Mo.) Review, Apr. 4, 1969]

WHILE PRIORITIES WAIT—ABM ADDS TO ARMS PROLIFERATION

(By Barbara Ward)

Clearly, of all the things the Americans and the Russians could do together, or on parallel lines, to keep the planet safe for its human inhabitants, the most urgent and the most immediate is to avoid another upward twist in the arms spiral.

An ABM shield, beginning at $5 billion and rising to who knows what cost, is only part of the issue, the sharp tip of the iceberg above the diplomatic waters. The iceberg itself is the $120 billion a year spent by the Powers on their armaments. It is right to stop the further speeding up of the arms race which a new set of automatic, nuclear counter-missiles would set in motion. But it is even more urgent to begin going into reverse, to begin reducing the vast, unseemly burden of destruction carried by both sides.

Under Article VI of the Anti-Proliferation Treaty, both Great Powers bind themselves to take significant steps to limit their own arms. But the clause may simply be the rhetoric of a bargain between two giants who are chiefly concerned with keeping other peoples' weapons under control. Neither side has said much about actual reductions—by percentages of war budgets, by types of weapon, by matching withdrawals. Until they do, the hideous bulk of $120 billion worth of weapons will go on throwing a cold and ugly shadow across the nations' collective life.

The horror of this vast hemorrhage of resources is not only the obvious ones—the risk of atomic miscalculation, the escalatory risk, or, again, the sheer, inexcusable waste of so much potential wealth when children go hungry. The fact is, on any calculation of Atlantic national income over the next decade, the Western arms burden can be said to be quite tolerable in financial terms.

As this column has pointed out before, Atlantic wealth is growing by at least $60 billion a year. A couple of years' increment could cover the Atlantic arms budget completely. Extend the calculation to 1980, and the extra income each year—on top of the present annual combined national income of rising $20,000 billion—would be at least $600 billion a year. Out of an addition on this scale, any conceivable arms budget could be carried without disrupting a single other desirable use of income.

But it is precisely at this point that some of the deeper evils of our arms race become apparent. We do not extend to any other vast social pursuit the largely unthinking acceptance we give to the concept of defense. We seem unaware—and our leaders do not enlighten us—of the future resources we shall have available and how many blessed and useful things we could do with them—rebuilding cities, for instance, or educating the drop outs and the handicapped, unpolluting our stricken atmosphere, giving every elderly citizen an income which permits a quiet old age and a dignified death.

But with our mental block about virtually every large public expenditure except defense, we say: "How can we rebuild the ghetto when we have such an arms budget?" We do not say: "Next year, we shall have $60 billions in new resources. How should they be spent?"

At best we say: "With all this defense spending, we can only afford to help the poor at home. The poor abroad must look after themselves." We do not say: "Twice overkill is as good as four times overkill. Let us cut away $20 billion, add in next year's resources, double foreign aid, treble the new cities program, quadruple housing—and still come out with a bonus for ourselves."

In short, if we felt about any great human undertaking—education, urban renewal, health, anti-pollution—the instinctive acceptance we give to defense-spending, we would scale down the arms, transfer the resultant saving to life-giving projects and throw in a proportion of the resources which will be provided by future growth. We would demand from our leaders some "budget" of priorities for the Seventies, some sense of how and where so much rising wealth ought to be spent.

Until we make some such calculus, it is not surprising that so many young people around the world find our society grotesquely ugly. This vast apparatus of wealth, used so acceptingly for destruction, so grudgingly for the great creative purposes of society, finally seems to them unworthy and despicable. The clutter of consumption, the high-velocity advertising, the shining glass office buildings and, alongside, the rat-infested tenements—is all this, they ask, so worth defending that billions on arms are almost taken for granted? Give us instead a picture of true wealth. Give us something we can fully respect. But money and weapons, piled up without compassion and justice, command neither our loyalty nor our love.

[From Long Island Newsday, May 1, 1969]

NIXON'S ALBATROSS

The ugly thing hanging around the neck of the Nixon administration only looks like an albatross. It is really a Safeguard antiballistic missile.

The President has received generally high marks for the openness and honesty with which he has started his administration. But this generalization cannot be applied to the campaign being waged for the missile system. Already, Nixon's reputation has suffered enormously among scientists because of misrepresentations about Safeguard and his veto of a director for the National Science Foundation because he opposed Safeguard.

Under Secretary of Defense David Packard claimed that Dr. W. K. H. Panofsky had reviewed and endorsed Safeguard. Dr. Panofsky, a renowned radar expert, responded irately that his "review" took place after he happened to run into Packard at an airport—and that he opposed Safeguard.

The Pentagon told Senate inquirers that 21 members of the President's Science Advisory Committee had reviewed Sentinel with the Defense Department's research chief. It turned out that the review took place March 17 and 18—the week after President Nixon had announced his decision to proceed with the missile system in modified form. Some of the most influential members of this committee oppose Safeguard and resent being used in a public relations ploy designed to support it.

All this maneuvering and misrepresentation is a good example of how easily an argument for a bad cause is corrupted into a bad argument. Safeguard is a bad idea, for many reasons, and most independent scientists appear to oppose it. Nixon administration tactics are widening and intensifying hostility to the system—and to Nixon—within the scientific community.

Meanwhile, politicians from both parties and opinion makers of assorted idealogical hue are seconding and amplifying the dissent of the scientists. The Nixon administration has responded by getting tough. A White House aide is quoted in the New York Times as promising that "all the conventional and proper, the unconventional and improper means of persuasion will be used" to sell Safeguard to Congress.

Roger C. B. Morton, the new Republican national chairman, has threatened to make Safeguard a test of Republican orthodoxy and opposition to it a mark of shame on Democrats and Republicans alike.

Sen. Strom Thurmond, Nixon's Southern outrider, has branded as "defeatist" objections to the missile by Dr. Herbert York, Pentagon research chief in the Eisenhower administration.

Gerald Ford, the House Republican leader, has accused Safeguard's foes of really seeking unilateral disarmament.

Like poison gas, the sinister implication is being spread that Safeguard's foes are moved by a deficiency of patriotism. Scientists who show this lie up for what it is are being cynically used, and misrepresented. This is not, we imagine, the way the President wanted the Safeguard debate to go. But that is the way it is going, as the President's men are pushed toward extremism and cynical manipulation by the faultiness of the case available for their missile.

It is too late now for Nixon to cast off without embarrassment the missile that looks like an albatross. But Safeguard remains a mistake—a dubious and expensive venture that may or may not work if it is ever needed, and that will escalate the arms race in either case. Continuation of Safeguard is bad for the President, bad for the country and bad for a world already grotesquely oversupplied with nuclear weapons. Nixon should stop it, even at the cost of some embarrassment. Continuing with it promises to be a great deal more embarrassing in the months ahead, and in the history books.

[From the Portsmouth (Ohio) Times, Mar. 25, 1969]

NOW A SUPERMISSILE GAP

The American people have survived two crisis "gaps." President Kennedy's missile gap and President Nixon's security gap were quietly filed away after their campaigns ended, but now we have a new gap.

Defense Secretary Melvin R. Laird has alerted the Senate Armed Services Committee about a supermissile gap.

Speaking in behalf of deployment of the antiballistic-missile (ABM) program sought by President Nixon, Laird said the Russians are continuing to build up its SS-9 force.

The SS-9 (Supermissile) is described as a missile with a 20 to 25-megaton warhead—

much larger than anything the United States has at the ready.

Secretary Laird said the ABM protection offered American missiles would have the desired effect on the Soviet Union of letting them know a "substantial number" of our missiles would survive any attack "and then destroy the attacker as a modern society."

David Packard, deputy secretary of defense, added that the ABM would be "a stabilizing influence in the long 'term' in the strategic relationship between the United States and the Soviet Union."

That's strictly a pipedream. And so long as military thinking dominates a nation's foreign policy, money is going to be poured into the bottomless defense well while that country caves in from domestic malnutrition.

The thin ABM around missile sites will expand into a thick shield. Then it will creep around population centers, first as a thin system and then a thick one.

All the while the missile arsenal is growing—just to keep pace—and $100 billion is gone. And there still will be no security.

It is up to the politicians in both America and Russia to override militaristic thinking and reach a meaningful reproachment.

It isn't the supermissile gap we're worried about, it's the diplomacy gap.

[From the Roanoke (Va.) Times, Apr. 5, 1969]

GLORIOUS . . . OR PURPOSELESS?

The Army's chief scientist says a multiwarhead ABM is one of the "glorious goals of the future."

So is an end to the arms race, General.

Now if Gen. Austin Betts would care to try to convince us that only Washington, not Moscow, dreams of building a multiple warhead interceptor, possibly we could all better understand just what it is that the ABM race is going to accomplish. For if each side simply cancels out the other, as inevitably happens in a nuclear arms race, it is time that we stopped the whole silly ABM business.

Oh, we know—Defense Sec. Melvin Laird has suddenly discovered that the Soviets are building a new offensive missile that someday might be available in such massive numbers that the U.S. could be destroyed in a preemptive attack. But nobody has explained how Laird can forecast the Soviets' missile-construction timetables of a decade hence, or why such an interpretation of Soviet intentions was not made by civilian Pentagon leaders in the Johnson Administration, or why the Pentagon suddenly thinks bomber- and submarine-carried ICBMs would not still provide the needed second-strike deterrent.

Each day, it sometimes seems, brings a new explanation for ABM deployment. When the latest explanation is punctured, a revised rationale is always at the ready. In judging Soviet and Red Chinese intentions, the Pentagon assumes the worse—as it's paid to do. But in judging whether or not scientists can ever build nuclear-tipped defensive missiles that will actually intercept incoming missiles with pinpoint accuracy and with only a 15-minute warning, the Pentagon assumes the best—as it did with Vietnam, the Bay of Pigs, the F–111, ad infinitum.

Few scientists outside the Pentagon think the ABM will work, even against a stray missile accidentally fired by the Soviets or the dozen or so ICBMs that Red China might lob at us in the mid- or late-Seventies (when, we are supposed to believe, they would willingly invite instant annhilation of their own country in return for attacks by crude first-generation missiles that might or might not hit the handful of cities at which they were aimed).

If the Soviets think they can build a first-strike missile system, the Nixon Administration's modified ABM program—limited to a dozen offensive missile sites—will not cause them to shift course. Even if Moscow conceivably could someday develop a missile system that had the potential for simultaneously destroying all 1,000-plus land-based ICBMs and 646 Polaris- and bomber-carried ICBMs—and not even a Dr. Strangelove has yet figured a way to develop such a war machine—it is absurd to think that the U.S. would sit idly by and not redesign, expand and further diversify its own offensive missile system to counteract the whole thing.

The U.S. has 1,700 ICBMs, the Soviets only 1,100, based on latest available estimates. According to Deputy Defense Sec. David Packard, the Russians possess some 200 of their new super-missiles, the SS–9. Yet they would need 15 times that number to gain first-strike capability against our land-based missiles alone. Such a build-up would require huge Soviet expenditures, to say nothing of the costs of trying to design anti-submarine systems that also would be required if first-strike power were ever to be achieved.

If the U.S. is threatening to accelerate an ABM race simply as a means of forcing a Soviet halt to further offensive and defensive missile development, a case conceivably can be made for authorizing the start of planning for Mr. Nixon's so-called "Safeguard" system. On that point we are prepared to reserve judgment.

The Pentagon, however, appears to think that the Soviet Union presently is deluding itself into believing that it someday can destroy the U.S. without destroying itself and the world in the process. If Sec. Laird really believes that, a modified ABM system will be no defense against such madness. We will simply have to bankrupt ourselves, install unreliable ABMs around cities and missile bases, build more and more offensive missiles, bombers and submarines . . . and await the apocalypse.

[From the Milwaukee (Wis.) Journal, Apr. 14, 1969]

ESCALATING THE TERROR

Senators McGovern (D-S. D.) and Kennedy (D-Mass.) have accused the Nixon administration of using "terror tactics" to sell the Safeguard antiballistic missile system to congress and the American people. McGovern has complained that the country has "had a whole series of rationalizations for Safeguard from the administration. . . . Now it seems to me they are escalating the terror rather than giving us any enlightenment."

Defense Secretary Laird has argued for building the Safeguard system to protect American missiles from the continued deployment by the Soviet Union of its large SS-9 intercontinental ballistic missile, capable of carrying a 25 megaton thermonuclear warhead. Recently he said that the Russians were testing multiple warheads that would make the missile even more potent.

The Soviet's ultimate aim, he claims, is a first strike capability that could utterly destroy America's retaliatory power and leave it defenseless.

Scientist Ralph Lapp responds that even using the most dismal Pentagon estimates of Soviet capabilities it is unlikely that Russia could gain a first strike capability with the SS-9.

Such "fright" tactics are not unknown in the cold war. On the advice of the late Sen. Arthur Vandenberg (R-Mich.), President Truman in 1947 deliberately acted to frighten the American people about the danger of Soviet expansionism to push through congress the Truman doctrine of military and economic aid to Greece and Turkey.

Use of like tactics has led in many cases to reliance on militarism, defense and weapons as the simple answers to complicated problems of foreign policy, whether they be the Lebanon landing, the Bay of Pigs invasion, the occupation of the Dominican Republic or the Vietnam war.

Kennedy has pointed out that congress has been all too eager "to accept on faith the recommendations of the Pentagon."

Even if Laird is right about Russia's first strike capability, there is no way, given present technology, that a "thinly deployed" Safeguard system or an extremely expensive, "thickly deployed" ABM system could completely protect the United States from such an onslaught.

Congress should not succumb to any campaign of fear in considering the Safeguard proposition. Let it rather, by its action, show the new administration that it wants more vigorous efforts toward peace and disarmament, not more nuclear weapons unless they are justified by reason and proved need.

[From the Lewiston (Idaho) Tribune, Mar. 22, 1969]

SIMPLE WAYS TO BOMB A NATION

The best and really the only fairly reliable defense against nuclear attack is an offense—the ability to respond in kind. It is the celebrated balance of terror under which neither side can dispose of the enemy without committing suicide.

But, other than the balance, based as much on fear as hardware, there is really no such thing as a perfect shield against nuclear attack or any great chance of one being developed.

It doesn't require technical knowledge to know that. Common sense will suffice. For example, as Dr. Ralph E. Lapp, a physicist who appeared at a Washington State University political institute this week noted, the ABM system currently proposed could not cope with massive dirty bombs exploded from rafts off the West Coast with the fallout drifting over the mainland. Nor could the ABM cope with nuclear weapons exploded from ships in dozens of American harbors. Or nuclear weapons erected piece by piece in a building in the heart of an inland city.

The proposed ABM system is a conventional response to a conventional nuclear attack (to use an extreme use of the word conventional). But there are no guarantees that anyone intent on doing this nation harm will deliver weapons in a nice, neat ballistic missile fashion susceptible to a nice, neat ballistic missile response.

Even if, at a cost of billions, this nation should be able to develop a workable ABM system (which many scientists doubt), there are numerous ways around it.

Play the game yourself. Assume that the Soviet Union and the Red Chinese have antiballistic missile systems, capable of stopping all conventionally-launched missiles from the United States. If it became your intention for this nation to strike first against them, try to think of the many ways you could penetrate their shield—relatively simple ways like smuggling the parts of a hydrogen bomb into their ports and major cities, or hitting them with fallout from afar.

But what if you knew that your success would be greeted with a counterattack on this nation? That would give you pause. That, and not hardware, is what would deter you.

And, if that would not deter you, it is unlikely that anything else would. You would then proceed to work around the enemy's futile sophisticated defense system.

An American ABM system might be able one day to cope for a time with *some* of the incoming missiles launched in the sophisticated fashion. But a sophisticated defense cannot always cope with an unsophisticated attack.

It would be far simpler and far less expensive to bolster what is already our best defense—the fear of U.S. retaliation. Rather than involve this nation's wealth, time and talent in the enormously expensive effort to develop something new, different and probably futile, America should concentrate on the far less expensive and far more reliable alternative—increasing the number of retaliatory missiles in our arsenal.

The mold for the Minuteman has already

been made. The development cost is behind us. Cranking out a few dozen more copies would be far less costly—and a good deal faster—than this naive scheme to bleed the taxpayers of billions for a system that no one can guarantee will work half as well as simply installing more ICBMs and thereby enhancing the enemy's fear of retaliation.

If there was ever any validity to that old right wing saw about the Communists trying to get America to spend herself to death, it would be ironic if the $80-billion-per-year Defense Department—rather than Medicare and higher teacher salaries—turned out to be the principal contributor to our economic downfall.

It is beginning to appear that the ABM system we need most is an Anti-Bankruptcy Move against our own military leaders.

[From the Anderson (S.C.) Independent, Apr. 4, 1969]

HOW WOULD LIMITED ABM DEFENSE FORESTALL INSANE ACTION BY CHINESE?

We take as our text today the assertion by President Nixon, to the National Association of Broadcasters, that his decision to go ahead and spend $6.5 billion on the Safeguard antiballistic missile system was necessary because "we find within the last third of a century that sometimes decisions by great powers, as well as small, are not made by rational men . . . Hitler was not a particularly rational man in some of his military decisions."

Now the existence of human irrationality, in high places as well as in low, is hardly a matter of debate.

But without making any invidious comparisons, we thinnk it well to inquire as to whether the ABM decision is itself a rational calculation which tailors means to the end we all seek—the security of our nation.

Consider first the specter, which ABM proponents keep raising, of the Red Chinese menace.

True enough, "the heathen Chinese is peculiar," but the fact remains that since seizing power in the late 1940s the Chinese Communists have, in their foreign relations, shown a remarkable restraint.

This is not to say that they have not committed aggression; they have, notably in Korea in 1950 and, a few years later in Tibet.

But the act of aggression, while much to be condemned, of course, is not in itself necessarily an "irrational" decision.

It can be, and in Korea and Tibet was, a rationally calculated move, and it may also be noted that notwithstanding Peking's pyrotechnic propaganda about our own alleged "aggression" in Vietnam, it has refrained—rationally, we might suggest—from inviting annihilation by sending its troops into Vietnam.

Nevertheless, let us suppose the worst.

Assume that, sometime in 1973 or after, the leaders of Red China are so irrational that they decide to unlease nuclear missiles upon the United States.

How in the name of rationality would our having spent $6.5 billion, or upwards of eight times that much money, on an ABM defense, possibly dissuade them?

Insane people do not understand the counsels of sanity; insane people are insane.

With our retaliatory capacity as of now, as Mr. Nixon himself points out, we could wipe out half the population of China.

Under no conceivable circumstances can Red China ever possess a "first-strike capability" which could knock out the ability to respond possessed by our nuclear submarines alone.

If the inevitability of obliteration could not affect an insane calculation, why should the possibility of a very limited defense affect it any more?

The Nixon decision bears the hallmarks not of rationality but of rationalization.

The President says it was also necessary "because we found that the Soviet Union had developed new weapons with great accuracy."

His Secretary of Defense, Melvin R. Laird, is developing his own weapon—"the technique of fear," as Sen. J. William Fulbright calls it—to peddle the Safeguard system.

Mr. Laird asserts that the Soviets "are going for our missiles, and they are going for a first-strike capability. There is no question about that."

But there are many questions about that.

The Soviet SS–9, from which Mr. Laird has suddenly unveiled the secrecy, was regarded by the Defense Department, and the Senate Armed Services Committee so informed, as a "second-strike" weapon. Which is it?

And how effective would the Safeguard system be against it?

As Foreign Relations Committee Chairman Fulbright observed, the Russians are not "very bothered" about the ABM, "because I am sure, they know, as nearly every witness outside the Pentagon knows, it is not much good."

The one thing we concede that it would be good for is the "military-industrial complex" whose "unwarranted influence." President Eisenhower warned against in his last message to Congress.

"The potential for the disastrous rise of misplaced power exists and will persist," the general correctly foresaw. It certainly exists and does persist in the Nixon administration.

[From the Michigan Catholic, Mar. 20, 1969]

DEFENSIVE MISSILES BALK DISARMAMENT

Given the growing opposition consensus against it and the almost universal scientific testimony to its futility, President Nixon's decision concerning the Sentinel ABM system may have been appropriate. It is appropriate, at least, if one buys the theory that a little bit of nothing is better than a whole lot of nothing.

We have been told and the administration seemingly agrees, that the Sentinel system would be useless against a massive Russian attack. It might prove effective against a Chinese attack which is non-existent now and would be real only if the Chinese were to attack before they possessed a Russian capability. And this is not likely.

Now, instead of locating the missiles near heavily populated areas which have reacted to possible placement near them as if the Sentinel were a hot potato, plans are to locate in two remote areas of Montana and North Dakota. Thus will some of our ICBMs be protected.

We also have been told that our second strike capabilities with ICBMs, even if we were attacked first, are overwhelming enough now to destroy any aggressor nation several times over. We might assume then that if Russia, or any other attacking nation, were to destroy even many of our ICBM sites, we still would be able to incinerate our enemy, only we would not be able to kick his ashes about very much.

The decision to go ahead limitedly and remotely may calm the real selfish fears of city dwellers who worry that a mistake in their own backyard would lead to their own private little doomsday. But this new Maginot line does not solve the problem of waste and misplacement.

So the initial investment is a mere $6 or $7 billion. That, however, would feed a lot of people, build a lot of homes, clear a lot of slums.

And it does not much matter that the ABM Sentinel system is called "Safeguard". A wasteful missile system by any other name is equally harmful.

It is not that our country should not be defended. It is that we've about gone beyond the point of defense. Only the balance of terror—that a mistake or miscalculation by one man on either side could wipe this beautiful planet out of the heavens—protects us.

In the light of this we opt for supervised disarmament, already suggested by the Soviet Union. Even our polluted air would go down better if no one has a nuclear button he can push.

It is still possible for Congress to waylay this expenditure before it gets into the ground. The administration has ignored congressional advice, now is the time for Congress to withhold its consent.

Our congressmen can prove that even the middle of the road can sometimes be dangerous.

[From the San Antonio (Tex.) Express, Mar. 24, 1969]

WEAKNESSES BEGIN TO SHOW UP IN ARGUMENT FOR ANTI-MISSILES

Phase Two of President Nixon's decision to deploy a "thin" anti-missile system has begun. It is the sharp criticism being aimed at the decision by the Senate Foreign Relations Committee, whose members include the Senate's ranking "doves."

On this issue, nearly half the Senate has stated its opposition to the Nixon decision. The committee is giving the Administration abundant opportunity to say why the decision was made as it was. Best point scored so far is that an intent to deploy is a trading point in talks with Russia. Russia is reputed to have deployed some anti-missiles and Defense Secretary Laird professes to believe the Russians are working on "something" that might jeopardize the American Polaris fleet.

It is difficult to argue with Laird that any error we make should be on the side of safety, but it is not difficult to argue that the ABM has few backers who say it will do what it is supposed to do. Fewer still think the cost estimates will remain as low as they are—which is horrendously high.

The thing that weakens the Pentagon argument is that both Laird and Deputy Secretary David Packard admitted Friday that U.S. experts don't know enough to protect cities—so the missiles will be deployed around offensive missiles in place now. Until Nixon made his decision, the argument was all for emplacement around cities and, in fact, that was the point of initial heated opposition.

We don't think the Russians think any more of anti-missiles than some of the American opponents. A better case needs to be made.

[From the Waynesboro (Va.) News-Virginian, Apr. 1, 1969]

NO SUCH THING AS LIMITED ABM

Planning strategy for World War III is called "thinking about the unthinkable."

It is not just that a thermonuclear holocaust is too horrible to contemplate. It is that there are simply too many variables, possibilities and unknown quantities for anyone to know what would really happen should someone actually initiate a "missile exchange."

Underlying President Nixon's proposal for a limited antiballistic missile system to protect the nation's missile sites is one basic assumption—that an enemy, to have any hope of "winning," would have to give first priority to wiping out or crippling his opponent's retaliatory strength.

Thus it follows logically that an ABM system that guarantees—or makes an enemy believe it guarantees—that some of our retaliatory strength would survive a first strike would be an effective means of staying his hand and preserving peace.

The logic fails to hold up upon closer examination, however.

It conflicts with another basic assumption, which is that an enemy would have to shoot his entire nuclear wad in the beginning. While he might save a few missiles to mop

up a few cities or other countries afterwards, if he hasn't obliterated his opponent, including his opponent's population centers as well as missile sites, in the first round, then he has failed.

The only feasible course for an aggressor would be to inflict as much punishment as he could in a first strike and hope that the second-strike punishment he would have to take would be at an "acceptable" level—say 20 or 30 million dead.

Thus Russia's missiles, should they ever come, would come not by twos or threes but in battalions. It is impossible to imagine that a president, faced with a radar horizon sparkling with the blips of hundreds of oncoming missiles due to explode all over the country in 15 minutes, would order that only our ABMs be fired. It is impossible to imagine this even if there were an ABM ring around every city.

Not unless there existed a 100 per cent perfect defense against a missile attack could a president hold back immediate, total retaliation—and a 100 per cent perfect defense is something that not even the staunchest advocates of the ABM claim is possible.

Because of this fact, the ABM has been put forward as a short-term defense against the Chinese, who at present have only a handful of intercontinental missiles.

But crazy as the Red Chinese seem to be, it is also impossible to imagine them wasting their few missiles against our missile sites and sparing our cities, while inviting devastating retaliation upon themselves.

Thus, it is argued, there can be no such thing as a limited ABM system. Either the nation foregoes the ABM entirely, or it must embark on a full-scale megabillion-dollar program to include the cities—and even this could be easily nullified by an enemy simply by doubling or tripling his missile-launching capability.

It is said that President Nixon is really using the ABM to get the Russians to sit down for some serious talks about disarmament. But it seems a terribly expensive and roundabout way to appeal to Russian logic.

Surely they have as many people thinking about the unthinkable as we do.

[From the Marquette (Mich.) Mining Journal, Apr. 1, 1969]

THE ABM ISSUE

A matter which looms even bigger than the Vietnam war in its potential for influence upon the future safety of the United States is the ABM issue.

The letters stand for Anti-Ballistic Missile and refer to the plan for a defense system against enemy ballistic missiles which our government embarked upon in the Johnson administration. With a system of radars and anti-missile missiles, the project would try to shoot down enemy missiles before they could reach targets in this country.

President Nixon reviewed the ABM project and compromised on it. The Defense Department's start on construction of ABM installations in Eastern cities was drawing lots of public flak. Mr. Nixon's compromise suggests that the anti-missile missile batteries be set up at major missile installations in Montana and North Dakota to "protect our deterrent." That is, to protect our missiles from attack. The intention would still be to lessen the damage and deaths from a nuclear attack on the United States, but the political pressure building up against the ABM project might be lessened by not proceeding with deployment of ABMs in big cities.

Defense Secretary Melvin Laird has urged approval of the compromise plan in testimony before a Senate committee. The current effort is an end run around political opposition and widespread concern that this first "thin" ABM plan is really the first step in military strategy to construct an extremely costly "heavy" ABM system to attempt to defend most of the big population centers of the country.

Our reaction to the threat of nuclear missile attack up until recently has been reliance upon "massive retaliation" with our own intercontinental ballistic missiles to deter any aggressor. (The only nation capable of a massive nuclear missile attack upon us at present is Soviet Russia, but our defense leaders are increasingly concerned that Red China, with its nuclear capability, will develop the ability to attack with missiles with nuclear warheads. Our fears are stimulated by China's refusal to enter any nuclear control agreement.)

The ABM project is being opposed for a number of reasons:

1. An inherent distrust by politicians of the military, which traditionally wants to solve its problems of defending the nation by mustering a defense capability superior to any enemy's, and then using it, if necessary, to settle issues (by war) that won't yield to diplomacy.

2. The impossibility of knowing for sure whether an ABM will work until it is actually used, when it would be too late to do anything about its failure.

3. That it may be one more step in escalating the arms race with Russia. We get nuclear bombs, they get nuclear bombs. They build an ABM system; we build an ABM system.

4. The conviction that we are building toward a military holocaust that will destroy much of the human race with our stockpiling of nuclear weapons.

5. But especially and most importantly because our problems of living with Russia and Red China can only be solved by political solutions, not by nuclear weapons.

Americans who remember so well when Nikita Khrushchev sneaked atomic missiles into Cuba with the thought of confronting us with their deployment 90 miles from our shores, will be wary of believing that good will will keep Russia from starting a nuclear war.

But even if we both were to build an ABM defense system to match our deterrent forces of intercontinental missiles, the problem of preventing war still would remain. We cannot forever march step for step in an arms race and expect the deterrent and the deterrent defense to protect us by technology.

For that we must have leaders in the major nations who will accept restraints. We ourselves have not been without sin in this matter. We had nuclear weapons in Turkey, as close to Russia as Cuba is to us. We must somehow wage peace as extensively as we now commit ourselves to military hardware in the fragile hope that will avoid war in a troubled peace of military standoff.

[From the Lancaster (Pa.) Intelligencer Journal, Apr. 8, 1969]

NOT CONVINCING

It is of course, entirely possible that Secretary of Defense Laird is correct when he says the Soviet Union is testing a triple warhead nose cone for the big SS9 rocket he considers a threat to U.S. missiles.

However the news is hardly surprising. This nation's 1,000 land-based Minuteman missiles now have only one warhead, but the U.S. plans to equip some of them with three warheads. Additionally, the U.S. testing of what it calls the multiple independently reentry vehicles (MIRV) has been under way since last year.

So it would be a logical step for Moscow to attempt to keep pace with the U.S. nuclear capability by putting triple warheads on the 500 SS9's it reportedly has deployed around Moscow.

However, Secretary Laird's announcement must be considered in context. His record for credibility has suffered of late. Last week, for instance, the Pentagon quietly went about correcting some testimony he and his deputy, David Packard, had given before the Senate Foreign Relations Committee. He said this nation's missiles could be disarmed or aborted after a launch. They can't.

Another inconsistency—Secretary Laird in his testimony to the Senate Committee supporting a proposed anti-ballistic system, said "With their large tonnage warheads, they (the Russians) are going for a first strike capability—there is no qeustion about that."

Yesterday, he said: "I've always made it clear that I do not believe the Soviet Union would be foolish enough . . . to go forward with a first strike."

It is probable that what Secretary Laird is attempting is to sway enough wavering Congressmen to support the Safeguard ABM system President Nixon has proposed. This is the system the president has modified from a $5.8 billion Democratic Sentinel into a $7.2 billion Safeguard whose mission it is to protect some of this nation's Minutemen in their silos in the northern United States.

The whole rationale of this proposed ABM system is illogical. If Russia is intending, as Sen. Russell intimated the other day, to build up its nuclear missile strength to such superiority that "they will not have to fire a missile but simply say 'this is it' ", then the ABM is a totally inadequate response.

If the Administration truly believes the Soviets want to be able to start a war without fear of reprisals, then there should be an immediate beginning on a 'thick' ABM system, offensive forces should be beefed up, and fallout shelters built for the country's inhabitants.

Until much more persuasive evidence is presented than has been presented so far, there is considerable doubt that either the Congress or the people of the U.S. will do otherwise than view the ABM's Safeguard of Sentinel, other than an expensive boondoggle.

[From the Ann Arbor (Mich.) News, Mar. 20, 1969]

U.S. MILITARY TAKEOVER NOT IMMINENT, BUT . . .

President Eisenhower, in his leave taking of the presidency, warned his countrymen of the growing influence of the military-industrial complex. He also warned about the tendency of installed power to magnify itself.

The man who succeeded him, President Kennedy, is quoted as saying that there was scarcely a serious problem confronting the U.S. abroad in which the Pentagon did not advise him to use military force. Cuba is a notable example.

Against this backdrop of surging militarism in U.S. government the entire anti-ballistic missile (ABM) issue stands as a kind of exclamation point. Belatedly, the country and the Congress are coming to their senses about the staggering costs of the ABM system, and the type of thinking to which President Kennedy alluded.

Norman Cousins, writing in the Saturday Review, stated the problem in this way: "Is military power becoming an end in itself and a law unto itself? It is no answer to declare that the men at the head of (the defense establishment) are balanced, intelligent, sober, responsible. This is not the issue.

"The issue is whether a context of power is now being created beyond the ability of even the best men to change.

"At the Philadelphia Constitutional Convention of 1787–89 . . . it was decided to create good government through good laws and good structure. This meant preventing runaway power situations.

"Today, the system of checks and balances has become seriously impaired through both the massive spending power of the military and its ability to take actions and to create situations in the field that force the hand of the President."

Throughout the burgeoning Sentinel controversy, the Secretary of State has been a silent party. What are Americans to conclude

as concerns who is calling the tune on the ABM? It is not the Congress, the body from which massive military appropriations must come.

Is it then the Executive, the man who proposes? Well, hardly, because we are led to believe that because the Soviet Union had taken initial steps to build their own ABM our own President's hand was forced and he had no other choice but to give the green light to the Sentinel backers.

Thus by process of elimination only the Pentagon is left. Its new occupant, Defense Secretary Laird, has been one of Sentinel's most vocal supporters.

The American system of checks and balances traditionally is thought of as three branches acting as brakes on each other. The institutions of the military have been part of this scheme of government only insofar as they have served civilian authority and true power was kept in the hands of qualified decision-makers. But if the executive and the judiciary and the legislative act as checks upon each other, who checks the power of the military?

This is the question Americans must ask of their government and the Nixon administration must resolve before matters of national security are beyond recall.

[From the San Francisco Chronicle, June 3, 1967]

SAFEGUARD AND THE SECRET CHART

Senator Stuart Symington, one of 49 ABM doubters in the Senate, says the Department of Defense is not making public what it admits in secret sessions about the Safeguard missile system.

If a secret Pentagon chart were released, the controversy over whether to deploy the ABM at a cost of $6 billion would in his view be resolved. He implies that the military would be sent back to their drawing boards for more research on the weapon.

It is frustrating to be told that the answer to a serious question in public controversy cannot be given to the public. All that the ordinary citizen can judge from Symington's statement is that secret information has evidently fortified his doubts. Since he is one of Congress' best informed men on defense matters, as a former Secretary of the Air Force and a former electronics industrialist, these doubts carry weight.

So what the secret chart shows is anyone's guess. Our guess, based on the interesting and presumably authoritative letter of Dr. Wolfgang K. H. Panofsky of Stanford which we published last Friday, is that the chart shows the Safeguard system to be ill-designed and inadequate to do the job it is touted to do—i.e., protect the U.S. Minuteman missile sites.

The number of ABM interceptors is so small that only a tiny fraction of an incoming force which might be a threat to Minuteman can be intercepted, Dr. Panofsky wrote. He charged that the Defense Department "has frightened us by a projected threat (from the Soviet SS-9 missile), but has hidden the extent by which the proposed Safeguard system could possibly decrease that threat."

In the view of this distinguished radiation physicist, who is the director of the Stanford Linear Accelerator Center, Safeguard "may or may not work." It is a "bad compromise"; its radar is much more vulnerable than the missile sites it is expected to defend, and it costs a great deal more than the value of the few Minutemen which, on optimum performance, it could save.

Conceivably, Dr. Panofsky does not know all that needs to be known in order to evaluate Safeguard. Senator Symington may not know, either. Certainly the public doesn't. But these two men are in a growing company of those who know enough about ABM Safeguard to have informed doubts, and it seems to us that the Senate has no more pressing obligation than ruthlessly to pursue these.

[From the Tupelo (Miss.) Journal, Apr. 7, 1969]

IT'S DEFENSE THAT NIXON NEEDS TO RUN

President Nixon reportedly has about decided to be his own Secretary of State, leaning heavily on the Defense Department and the National Security Council for advice and using the man he appointed to the State post, Bill Rogers, largely for administrative matters within the department.

This is not a particularly new approach. A number of modern Presidents have, in effect, doubled as Secretary of State in policy making matters.

But it is new, and possibly quite dangerous, for President Nixon to lean so heavily on the Defense Department as his guide to a peaceful world.

For the Defense Department under Secretary Melvin Laird is creating the No. 1 "credibility gap" in the new administration.

And if his free-wheeling statements made without noticeable ability to back up their truthfulness continue, America may find itself in need of a costly overhaul of its defenses without the public support to foot the bill.

For once it ceases to believe what the Defense Department is saying, the public may fail to support even the most pressing military needs. Then not just the Nixon administration but the whole country could be in serious danger.

Laird was caught in his first apparently false statement on the ABM issue when he told a congressional committee that at least one scientist outside his department had supported the anti-missile defense network during a lengthy discussion with Laird.

That scientist, however, a few days later denied that he had ever discussed the issue in any detail with Laird, it being only rather casually mentioned when they met in an airport.

Then Laird undertook to discredit one of the most effective witnesses against the ABM, Herbert York, who was director of Pentagon research and engineering during the Eisenhower administration.

York said that the speed of action required to activate the ABM missiles against attacking nuclear weapons was such that the President could not be brought into the decision making process at all. One low level man in uniform would have to make the decision whether the nuclear ABM missiles were to be fired if they were to have any chance of shooting down the enemy missiles, he testified before Congress.

Secretary Laird then came up with the argument that York could be expected to oppose the ABM because he also had not thought the Polaris submarine missile would work.

York pointed out shortly in a telegram to Republican Congressman J. Sherman Cooper of Kentucky that he had at all times recommended to the Department of Defense that the Polaris submarine missile be developed and deployed.

The record indicated that York, not Laird, was telling the truth. And the credibility gap of the Nixon administration on military matters widened further.

Then it was disclosed that Laird had deliberately or otherwise misled the American public on the question of whether launching our anti-missiles would in effect be opening a nuclear war against America's own towns and cities.

The fact is that both the Spring and Spartan nuclear missiles which we would fire against attacking enemy missiles are armed before they are fired—meaning they are set to go off whenever they hit something. And they do not have any self-destruct system by which the ground crew could blow them up if they missed their target in the air.

Thus what is proposed is that American nuclear missiles be fired into the air ready to explode wherever they come down anywhere from 25 to 400 miles from the point of firing.

And in view of the number of missiles planned eventually for America's anti-missile defense network, we could end up hitting American people with more American nuclear missiles than the enemy could fire at us.

Adding to the significance of the growing credibility gap in the Defense Department are reports that the new administration already plans to spend $100 billion on new weapons alone.

Aides to President Nixon have stated that he plans to boost military spending by 1971 to $75 billion in addition to whatever Vietnam may be costing at that time.

Not even at the peak year of World War II did military expenditures in this country run so high.

And if President Nixon expects to sell Congress and the public on such expenditures, it is essential that he insist upon honesty and openness in Defense Department relations with the American people at all times.

Thus far we are not getting such an approach.

Rather, Defense Secretary Laird is operating more like a free-wheeling congressman who could depend on the other 534 members of the House and Senate to correct any misstatements or errors he might make.

This level of integrity is not adequate for a department which plans to boost annual military outlays to something like $85 to $90 billion a year for many years to come.

Thus if President Nixon has the time to take over any of his cabinet operations, the Defense Department seems to need his attention most.

[From the Salina (Kans.) Journal, May 3, 1969]

A DASH OF SALT FOR ABM HISTRIONICS?

The nation is divided on the anti-ballistic missile issue.

So are military men. So are scientists. And so are politicians.

For example, Kansas Senator James Pearson doubts the value of the program while Kansas Senator Bob Dole supports it. Both, incidentally, have excellent records of military service.

For as it is difficult to fathom, President Nixon has taken a tough line in behalf of the proposal. He is giving it an arm-twisting hard sell. Shades of Lyndon Johnson!

As part of that sell, Secretary of Defense Melvin Laird is going about the country evoking the Red Menace. We are being told, in effect, that the Russians can wipe us out if we do not go ahead with ABM installations. And if not the Russians, then the Chinese.

This may work. The Communists have been bogeymen for two generations. The Pentagon has secret information to which ordinary Americans are not privy. If the issue in truth is one of national security, the commander-in-chief should be supported.

Then again we have been fooled in such matters. History now reports that President Roosevelt helped bring about Pearl Harbor. The Tonkin Gulf incident which brought us full steam into the Vietnam war has been shown since to have been over-blown. The wars that were to stem the Red Tide in China, Burma, Korea and Vietnam have not done so.

We recall that past Presidents have traded on missile gaps that disappeared when they won office. We remember the vast sums wasted on Nike pits and ICBM silos—even here in Salina. We know about the costly aircraft that wouldn't fly and the missiles that didn't fire.

Wolf has been cried too often. But then again, is the need for a Safeguard system genuine this time?

Unfortunately, we can't wait for history's verdict. Hindsight is ahead of us. The issue is now, for the Congressmen pressing.

However, in the light of sincere, patriotic and informed division of opinion about Nixon's ABMs, he should not be surprised if the histrionics of his helpers are taken with a dash of salt.

[From the Honolulu (Hawaii) Advertiser, Mar. 15, 1969]

WRONG ABM DECISION

President Nixon's decision to go ahead with a modified antiballistic missile system is a disappointment. He has found and taken a compromise middle course that will please few and accomplish little at a high cost.

The system may be another Maginot Line, as one senator suggested. More important is whether it will lead to greater long-range security dangers than it aims to prevent.

With his polished press conference style, the President did make his decision look as good as possible:

There was the new name, "Safeguard." The system will be away from major cities (presumably including Honolulu), protecting our offensive missiles instead of people. It is supposed to be security against Chinese missiles while no threat the Russians should take seriously. It won't lead to a costly "thick" system, he said.

Some may feel grateful the President didn't decide for the $40 billion thick system to go around our major cities. But he seems to have gone as far as he thinks is politically possible at this time.

Many of the questions about the ABM remain:

Highly reputable scientists, nationally and here, feel it is a relatively simple matter for even the Chinese to develop decoys and other aids to penetrate such a system.

President Nixon made the point it would at least serve as protection against any accidental firing of a Russian missile, presuming such a Soviet missile was aimed at our missile sites and not a city.

The odds on such an accident are probably as great as for one of our "Safeguard" nuclear missiles accidentally blowing up on the ground.

Furthermore, it seems obvious the first thing the Russians will do is give high priority to making missiles which, whether fired on purpose or by accident, would be designed to penetrate our ABM system.

So the next step would be a new system for us, followed by more sophisticated missiles for them, then another system for us, etc.

This is perhaps the saddest part about the President's decision, for even if labeled defensive it follows the old arms race path that at best can lead only to costly nuclear stalemate and at worst to total destruction.

Inevitably such defense system developments as these while starting out small ($6 billion, yet) have a way of expanding in size and cost.

We may or may not end up with a thick system.

We are virtually certain in the name of dubious, even dangerous, security to end up with a thinner checkbook to finance needier programs.

One does not envy President Nixon this kind of decision. Still it is what we elect presidents for, and it is a pity he did not try a more imaginative course.

As the ABM seem aimed at being more a political than a practical safeguard for the Johnson Administration, so it appears to be a compromise for Nixon.

The battle now moves to Congress where the President seems likely to face his first major struggle. The honeymoon is clearly over.

[From the Louisville (Ky.) Courier-Journal, Apr. 19, 1969]

HOLES ARE STARTING TO SHOW IN THE ARGUMENT FOR THE ABM

In their references to new and frighteningly powerful Soviet missiles, which they claim make the ABM Safeguard system vital to our survival, President Nixon and Secretary of Defense Laird are toying with something equally dangerous from a political viewpoint—revival of the credibility gap. Mr. Nixon simply cannot afford to have the public suspect that he is being less than completely candid about our defense spending. Yet the suspicion—and the evidence—is growing that the public is being hoodwinked about both the ABM and the Soviet SS-9.

In appealing for billions of dollars to begin development of the ABM system, both President Nixon and Secretary Laird declared that the anti-ballistic missile system had become necessary to counter Soviet development of a super-powerful, 25-megaton warhead missile, the SS-9. The ABM, they admitted, would not protect our cities against nuclear attack, and was not designed to. But it would prevent the SS-9 from destroying our Minuteman missiles in their concrete silos and thus robbing us of our ability to respond to an attack with a devastating counterattack.

To make his appeal to Congress more dramatic, Mr. Laird revealed information about the SS-9 that had previously been classified as secret by the Pentagon, including the claim that it carried a 25-megaton warhead that could demolish Minuteman silos within a wide area. President Nixon repeated this reference to the SS-9 warhead, and added that the ABM was also needed to protect us against weapons the Chinese might develop by 1973 or 1974.

INCONSISTENCES AND HOKUM

But inconsistencies and signs of hokum are beginning to creep into this argument. As *Los Angeles Times* columnists Tom Braden and Frank Mankiewicz have pointed out, Mr. Laird's declassification of data on the SS-9 may have been dramatic but it was also unnecessary and misleading. There was no reason why the Pentagon should have classified the data in the first place, since it had already been published in 1968 in Jane's *All the World's Aircraft*, which is commercially published and circulated.

And the facts about the SS-9, as revealed by Jane's, and by our own CIA, are quite different from the scare statistics quoted by the President and Mr. Laird. It is by no means a super-weapon. In fact, as Braden and Mankiewicz point out, it is no more horrible and considerably less efficient than many weapons in our own arsenal. Indeed, it is quite comparable to the Titan I missile that we are now dismantling as obsolete.

Nor is there any proof, or even evidence, that the SS-9 carries the 25-megaton warhead mentioned by the President and Mr. Laird. Assistant Defense Secretary David Packard admitted to questioning Senators that "it might be 20 megatons," and the CIA report says flatly that it carries only a 5-megaton warhead. If this is so, the SS-9 poses no real threat to Minuteman sites, for whose protection the ABM is being urged.

Furthermore, the SS-9 was designed not for use against such hard targets but against cities, which the ABM is not intended to protect. Repeatedly, in their initial appeals for ABM, the President and Mr. Laird emphasized not our cities, and would not be deployed to protect cities. Yet in his Friday press conference President Nixon said it was needed to protect our cities against the possibility of a Chinese missile attack sometime within the next decade.

These are not the only holes in the ABM argument. Mr. Laird told the Senate that Russia is the only country to fire an ABM at an incoming missile. Yet former Defense Secretary Clark Clifford quoted Pentagon officials when he declared in his defense of the ABM that "as long as seven years ago we demonstrated we could destroy incoming missiles." In its plea for the ABM the Defense Department said it had consulted Dr. Wolfgang Panofsky, the noted Stanford physicist. Dr. Panofsky says flatly he was not consulted.

Someone, in brief, is not telling the truth. Someone is not levelling with the American people. The last time that happened it created a thing called the credibility gap, and the man trapped in it never quite managed to scramble out. It could happen again with the ABM.

[From the Boston Globe, Feb. 6, 1969]

WELCOME SIGNS OF ABM FREEZE

The unbelievable is happening. After nearly two decades of rubber-stamping Defense Department requests, the U.S. Senate is learning how to say "No." Hawk and Dove, Republican and Democrat, have served notice that they want more facts and figures on the controversial ABM Sentinel system—or else!

Many of the objectors are the same senators who only weakly opposed mere portions of the overall $1.2 billion ABM appropriation last year. But this year there is a difference. The folks back home in Chicago, Seattle and the north-of-Boston suburbs, where land procurement for the ABM sites is underway, are now acutely aware of this so-called "thin line" missile set-up.

The new Senate Majority Whip, Edward M. Kennedy, best summed up the view of his constituents and his colleagues alike when he called the present plans to deploy the ABM system in densely populated areas "a serious mistake," if not "a complete waste."

His request that President Nixon freeze the program while Congress resolves questions of site and effectiveness is reasonable and logical. The fact that the new Armed Services chairman, Mississippi Sen. John Stennis, readily agreed to hear scientific testimony on the effectiveness of the ABM is further justification for the immediate freeze Kennedy and other Senate critics ask.

Republican Sen. Everett M. Dirksen's statement that "it is time to take a cooler and more deliberate look at this proposal" provides bipartisan assurance of a searching review.

Perhaps the first question any Senate inquiry should demand a definitive answer to is the estimated cost of the "thin line." During Tuesday's debate Sen. Edward W. Brooke said the Pentagon told him the Sentinel system would cost $5.8 billion. Not so, said Sen. Stuart Symington, a former Air Force Secretary. His Pentagon sources, perhaps more reliable than Brooke's, put current estimates at $9.4 billion. And that, more than anything else, is why Sen. Charles Percy was speaking for more than his Illinois constituents when he warned: "We are on the brink of a decision whose magnitude in cost could be comparable to the Vietnam war. We should know what we are doing before we get into it."

Whatever the ultimate fate of the ABM system, the Senate's new-found critical voice on defense expenditures happily foreshadows the day when less money is spent on excessive armaments and more on the correction on social ills.

[From the Western News, Apr. 3, 1969]

HOW MUCH IS ENOUGH?

President Nixon's decision to modify his predecessor's plans for an anti-ballistics missile defense system and to proceed with construction of only two remote installations rather than the nation-girdling network proves that the chief executive is hardly more convinced of the need for the costly shield than are most Americans.

Officials of the Defense Department—

under both Johnson and Nixon—are pressing for the ABM system because they believe it is their obligation to keep America the most powerful nation in the world. Neither a Republican nor a Democratic Secretary of Defense wants to go down in history as the man who let his nation's guard down so that it fell prey to a nuclear Pearl Harbor.

Many men in Congress feel, however, that even without an ABM system, American has sufficient power to retaliate after an attack and devastate the homeland of the attacker. Even now, the United States is said to have "over-kill" potential, power to inflict greater damage than any enemy could possibly recover from.

Because no reasonable commander-in-chief would order an attack in the expectation of such calamitous response, it is improbable that our present defense system will ever be unleashed in anger. Likewise the ABM would probably become only an unused monument to national preparedness.

The first two ABM sites at Great Falls and at Grand Forks, N.D., are expected to cost seven or eight billion dollars, a staggering cost but only a fraction of the total bill for the nationwide system.

This is a mighty large bill to hand to the American people for a weapons system that will provide little more deterrent than the existing arms.

If America already has the ammunition to wipe out an enemy population and the means to deliver that punch, added strength would seem to be an unnecessary cost.

[From the Deer Park (N.Y.) Suffolk Sun, Mar. 26, 1969]

NUCLEAR WEAPONRY: NEVER-NEVER LAND

The Pentagon has wheeled out its biggest oral guns to frighten the American people into believing that without the Sentinel ABM system the nation will be helpless in the face of an all-out nuclear attack.

If Secretary of Defense Melvin Laird's on-again off-again pronouncements about troop withdrawals from Vietnam are an example of the military establishment's current reasoning, we place no stock in his pitch for the Sentinel. What he and the brass pass over lightly in this case is that the nation will be just as helpless in an all-out attack with the system installed. Therefore, why spend billions of dollars to hold up a false front?

How much solace can scores of millions of potential victims get from an educated guess that the ABM network might save enough Minutemen sites to mount a nuclear counterattack? Few of us would be left to restore our own rubble, much less crow over enemy losses.

The thinking that has created this never-never land of nuclear confrontation is aptly expressed by Edmund Stillman in the current issue of Horizon. Experience, he argues, is the club with which an elder generation beats the young—but if no one can truly say what happened, and why, in history, the experience of the outgoing elders is less relevant than they may care to think.

"What may assert itself as the wisdom born of sad experience," he writes, "may only be the elders seeking to redeem the shame or folly of their own youth in wholly distinct or inappropriate circumstances—to the cost of the young."

These are good words to remember, particularly for the people of Hiroshima and Nagasaki, and Americans who cannot forget.

[From the Cleveland Plain Dealer, May 1, 1969]

ABM ASSESSMENT IN THE OPEN

The Columbia Broadcasting System performed a commendable public service Tuesday night with a special hour-long television program devoted to full exposure of the antiballistic missile problem (ABM) in all its ramifications.

CBS examined every aspect and presented forceful speakers on both sides, those who believe the expensive—though modified—Safeguard system is necessary for the nation's protection and those who believe the United States is building up "overkill" apparatus at great expense and sacrifice.

CBS arrived at no conclusion.

But the whole issue was presented in neutral perspective for the public to assess.

A basic premise is that the United States government must protect the nation against attack from all directions. It has that awesome responsibility.

There is no argument there.

The argument is in the amount of money that should be diverted for this purpose and the extent of this designated defensive missile system.

Part of the debate is in semantics. President Nixon asks for a "sufficiency" of weapons, not necessarily a superiority. But if the layman is confused, so are the experts. On the CBS presentation, well-qualified scientists disagreed on the amount of defensive air hardware needed. Senators disagreed. How much is "sufficient?"

Scientists and military experts have gone to great lengths to explain how, in the case of surprise attack, our retaliatory power still would be great enough to knock out 70% of Russian cities and strategic warfare centers. This could happen, it is alleged, even though the United States suffered severe damage, possibly 50% destruction, in a sudden onslaught from the skies.

The situation calls for penetrating insight, not for a callous disregard for opposing opinion such as demonstrated this week by House Republican Leader Gerald Ford of Michigan who accused anti-ABM forces of advocating unilateral disarmament suggesting lack of patriotism.

Two avenues can be explored:

One is the possibility of suspending development of the $7 billion Safeguard ABM if Russia would halt deployment of its defensive arms system and cease testing its multiple warhead missiles. In that interim, negotiations on arms limitations of all kinds could proceed. This involves a trust in the Soviet Union, which many people are unwilling to grant. But it ties in with the next item.

This is the further development of the aerial spy system, via satellite photography and sophisticated radar, to keep tabs on Russia—and now Red China, too. This might be a protection against duplicity while any formal moratorium on weapon production was in force.

If such a moratorium seems "far out" it should be remembered that Russia and the United States did reach agreement on limited nuclear testing.

The two superpowers have stocked up enough weapons to destroy each other—and the world—several times over. The mad arms race, in order to end sensibly, has to involve good will as well as caution and preparedness. The potential destructive power, as filmed by CBS, is appalling. The goal must be to keep the United States strong enough to be respected as a world leader and at the same time share its talents and resources in peaceful pursuits of science, education, welfare and global progress.

[From the Chicago Daily News, May 1, 1969]

FORD OVERSTEPS ON ABM

House Minortiy Leader Ford stepped out of a meeting with President Nixon on Tuesday and said that opponents of the antiballistic program are seeking a weak and disarmed America.

This kind of demagogic bombast contributes much less than nothing toward a rational resolution of the ABM problem. By slyly raising the patriotism issue it warrants the charge promptly raised of "McCarthyism."

Ford's implicit suggestion that the ABM decision should be left completely with the President and his military advisers ignores the fact that the issue thrusts far beyond the sphere of mere weaponry.

Many thoughtful, informed, patriotic Americans believe a choice is at hand between two major policy routes, one leading to a frantic, indefinitely protracted arms race, the other toward a disarmament agreement that may be within the world's grasp for the last time.

The American people deserve to hear this debate conducted in a reasonable manner.

[From the Miami (Fla.) News, Mar. 10, 1969]

NIXON'S DECISION: ABM IS NO ANSWER TO MISSILE THREAT

Sen. Stuart Symington, who is one of the more military-minded members of the Senate, said at a subcommittee hearing on an antiballistic missile system that we have spent $23.3 million on missile systems that were later abandoned.

"We've been missile happy in this country for years," Symington said, and the senator should know, having once been secretary of the Air Force. His point was that the ABM system is likely to be obsolete before it is deployed.

It may be obsolete even on the drawing board. Dr. Hans Bethe, Nobel prize winning physicist, is one of a number of scientists who told the committee that the defensive missile system could be foiled in any number of ways.

Beyond its practical limitations, the ABM is questionable for other reasons. For one thing, it would be a highly negative answer to the Soviet Union, which has indicated it would prefer arms control discussions to the expense of installing a missile defense of its own. (The Russians have already deployed about 75 anti-missile missiles around Moscow, but they are of dubious value against a U.S. attack.)

These are matters which President Nixon is weighing as he prepares to state his administration's position on the ABM this week. The Johnson Administration had already decided to go ahead with a $7 billion so-called "thin" ABM system, but Mr. Nixon has interrupted its installation pending further study.

Dr. Jerome D. Weisner of the MIT calls the thin system "a bad joke." Ostensibly designed to counter a threat from Red China, it is really the base for a wider system which would cost upwards of $50 billion. Sen. George S. McGovern, one of many ABM critics in the Senate, says a "thick" system would be a "national blunder."

One big drawback to the ABM, as former Vice President Humphrey points out, is that it encourages military and political leaders of both nations to believe that someone can win a nuclear war. The only real answer to the doomsday threat of the missiles is an international agreement on arms control.

President Nixon has indicated he is interested in entering negotiations to that end with the Russians. The Russians have indicated they are ready. A decision to proceed with the ABM would be a crippling setback to the new President's professed quest for peace.

ABM WOULD SHIELD NOTHING, DETER NOBODY

Had any department of our government, except the Pentagon, come before Congress asking for an initial expenditure of $7–$9 billion for any program supported by so little in the way of hard evidence, logic, or common sense as has the proposed ABM system, that department would have undoubtedly been laughed off Capitol Hill.

But the Defense Department is so used to having its way with Congress that normally no revelations of waste and inefficiency, no evidence of misjudgement, no showing of egregious error is able to withstand its

crunch. In a very real sense, the Pentagon has come to regard itself as what the New York Times recently called "a kind of military W.P.A. which requires ever-expanding appropriations, regardless of the world situation."

The proposed "Safeguard" antiballistic missile system may happily prove an exception to the general rule of Congressional spinelessness with respect to these appropriations. At last count, a slender majority of those U.S. senators who have committed themselves one way or the other oppose funding the program. Both of Alaska's senators are officially uncommitted. We hope they will vote "nay."

Defense Secretary Melvin Laird, who has carried the ball for the Nixon administration on ABM proposes to spend about $9 billion to protect two our our 11 offensive missile sites, the logic being that an enemy will know that our retaliatory capabilities are invulnerable for the foreseeable future, and will thereby refrain from attacking us. He has marshalled a series of unconvincing and, in certain respects, self-contradictory arguments to support his position:

Argument No. 1: The Soviet Union has upset the nuclear balance of power by deploying its own ABM system around Moscow, and proceeding with the development of large numbers of offensive missiles which will be difficult to detect.

Answer: The thin ABM system around Moscow is already regarded as obsolete by all U.S. experts. There are no known Soviet plans to extend this system to other areas or to ring its own offensive sites with ABMs. The offensive missiles now being developed by the Soviet Union are no threat to our bombers, some of which are always airborne, or our Polaris-equipped submarine fleet, which together with our missile sites, maintain our needed retaliatory capabilities.

Argument No. 2: Scientific opinion is "divided" on this matter, so why take chances?

Answer: Except for those scientists in the full-time employ of the Defense Department, scientific opinion in this country is hardly divided at all. It is virtually unanimously against the Laird position. In his testimony before the Senate Foreign Relations Committee, Laird was asked whether he had found any reputable scientists in the country to support his position. He mentioned two by name. It turned out he had chatted with one at an airport for a few minutes and had not contacted the other at all. Both opposed the Safeguard system.

Argument No. 3: There is "serious question" whether the Polaris system will be effective in the years to come. There are some things "the Soviets might do" indicated that satellites will never be able to detect submerged subs.

Answer: This is simply another bogeyman of fear spawned by Laird and his Deputy Defense Secretary David Packard in their recent Senate testimony.

Rear Adm. Levering Smith is director of the Navy's strategic systems projects. In a recent interview with the New Bedford (Mass.) Standard Times, he said he was "quite positive" that neither the present nor the next generation of Soviet submarines would be able to track submerged Polaris subs. He said the Navy is unaware of any new Soviet anti-submarine devices and that satellites will never be able to detect submerged subs.

Argument No. 4: The Safeguard system will be able to knock down a missile launched "by accident," and it will also be able to cope with the threat from Communist China for years to come.

Answer: Only two offensive sites will be protected from an accidental launch. The greatest danger from any such accident is not to our offensive capacity, since this will not be appreciably impaired by a single errant missile. The danger instead is to a given population center, which the Safeguard system will not protect.

Communist China is probably a generation or so behind the Russians in missile capability. Since there is no conceivable way the Soviets can threaten our retaliatory forces over the next several decades, it defies logic to insist that the Chinese will be able to do so.

It is crucial to remember that we are presently talking about a skeleton project. Loose talk about protecting our population centers or all offensive sights is talk that envisions appropriations of at least $30 billion. And by the time that electronic Maginot Line was complete, there would undoubtedly be talk of new billions to build new systems to meet new challenges.

We return to where we began. The proposed Safeguard system is a freak, even when placed in the company of several previous Pentagon monsters. The idea was conceived in error, has been perpetuated through self-deception, and is being peddled by thinly veiled appeals to terror and ignorance. It protects nothing and deters no one.

It closes no defense gap, missile or otherwise. The only gap it does affect is the credibility gap, and that it widens substantially.

We're against it.

[From the St. Petersburg Times, Mar. 15, 1969]

ABM: The President Makes a Tragic Decision

The worst fears of many Americans have been realized. President Richard Nixon has decided to deploy a $7-billion anti-missile defense system.

This decision will erode American security by:

Escalating the arms competition with the Soviet Union, which now may build more and better attack missiles or expand its small anti-missile defense around Moscow.

Diminishing the prospects for meaningful negotiations with the Soviet Union—a nation that Nixon acknowledges has been traditionally defense-oriented, not attack-minded.

Committing crucial American economic resources to new military hardware when the crisis of unmet domestic needs threatens internal security.

Compromising presidential control over nuclear decision-making by permitting a technically uncertain ABM system to work automatically in a sudden crisis.

Prejudicing the movement toward international arms control which began with the nuclear test ban treaty and continued with the nuclear non-proliferation pact approved this week.

But most important of all, Nixon's decision jams the rudder of American defense policy and turns it in a different direction.

Taken to its ultimate extension, an examination of defense theories in the nuclear age reveals this truth: The only credible defense is the ability to absorb a surprise nuclear attack and then mount a counter-attack that destroys the enemy utterly.

We possess that capability now. It has been our defense against Soviet attack during the entire nuclear missile era.

The last two secretaries of defense considered deployment of ABM to protect missile and bomber bases. Both rejected the idea firmly. Other, simpler, surer options are open, involving improvement of second-strike capability.

If that capability has been a credible defense against the sophisticated Soviet nuclear threat, why wouldn't it be fully credible against the primitive nuclear force that Red China can assemble in the next 10 years? The answer is that it would be.

And yet Nixon claimed his ABM system would be aimed at the Red Chinese threat in the next decade.

Sen. Richard Russell, D-Ga., put it succinctly: "The Chinese are not completely crazy. They are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country."

Nixon promises periodic "re-examination" of his system. But "re-examination" is nothing more than an escalator clause that provides an easy way to expand this thin system into a bigger, more expensive deployment. The Nixon system is only a beginning.

It was the first major decision of the Nixon Administration, and it was a tragic one. Only the good sense of congressional opponents can salvage reason in this historic debate.

Nixon Seeks Program Which Could Trigger Huge U.S.-U.S.S.R. Arms Race

Gratification over Senate passage of the nuclear nonproliferation treaty by 83 to 15 is diluted by President Richard M. Nixon's approval of a start on an antiballistic missile defense system aimed both at Russia and Red China. The treaty was in the bag and its approval was delayed only because Nixon chose not to take a position on it during the presidential campaign.

This treaty is important, of course, since the nations which now possess the bomb are more knowledgeable in the danger they pose and are less likely to employ them in a demonic moment.

Far more significant, however, is Nixon's skillfully contrived proposal for the ABM. Aware of the mounting resentment in the United States Senate against the Sentinel system and the whole massive military budget, Nixon made much of the fact he is seeking appropriations for only about half of the estimated $6 billion cost of the thin line system.

What is important here is that if Nixon's conception of the system as one aimed at defense against Russia as well as Red China is accepted, the door is opened for a major arms race between the two super powers.

With every new missile development in Russia the administration can return to Congress to get money to expand the system until it might amount to $100 billion and still offer no guarantee of adequate defense.

Many senators are properly incensed by what they deem to be the duping to which they have been exposed by the Pentagon. They still are not satisfied with the explanation offered for the Gulf of Tonkin and other incidents.

Certainly they know the Sentinel system was introduced in a sneaky way as solely aimed at Red China. Shortly the truth emerged and Nixon has now given it official sanction. It relates to both Russia and Peking.

Already some $3 billion has been spent on research for the antiballistic defense line. The additional $3 billion or $4 billion Nixon says he will seek would accomplish little toward missile defense, so it has to be a foot in the door.

The American public and many senators and representatives are sick of riding the Pentagon merry-go-round.

Who is so gullible as to suppose Russia will accommodate the United States by maintaining the kinds of weaponry which can be shot down from a well-publicized Maginot line? The proposed ABM system at best could result only in a struggle to keep even, with the result that after spending billions the United States and Moscow would wind up at the same level of standoff.

Nixon's proposal for the ABM offsets the good news of the Senate passing of the nonproliferation treaty.

[From the Miami Herald, Mar. 23, 1969]

Polaris Missile Force Must Not Be Slighted

Lost in the mumbo jumbo of Defense Secretary Laird's testimony on the proposed antiballistic missile (ABM) system before the Senate was a statement which throws a shadow over the nation's major nuclear deterrent—the Polaris submarine force.

No weapon would seem more potent than these swift undersea craft capable of cruising great distances at considerable depths and in secret. They are known to mount 656 missiles. When these nuclear-propelled vessels are fully equipped with the superior Poseidon missile, they will be able to reach any target in strength from a distance of 3,500 nautical miles.

Former Secretary of Defense Robert McNamara favored deployment of the Poseidon submarine missile as an answer to a Soviet antimissile system. This would be far less costly and probably far more effective than the proposed $25 billion Nike-X antimissile system, abandoned in favor of the cheaper "thin" Sentinel coverage.

The Sentinel, it ought to be pointed out again, defends only land-based missile sites. In other words, the defense is of a deterrent, and not targets such as cities and factories.

Years ago, after Hiroshima, it was pointed out to the satisfaction of many Americans, that there is no complete defense against nuclear attack. The Pentagon still talks in terms of 40 million dead in the first enemy strike. But the nearest things to a defense is an effective submarine ballistic system.

Lost, as we were saying, in Sec. Laird's testimony before the Senate Armed Services Committee was the gloomy report that because of "new things that have taken place" the Polaris fleet probably would not remain "very free from attack" after 1972. An aide explained that the Soviet Union would have parity in the number of submarine-based missiles by 1974.

The only real defense against nuclear destruction is a political understanding that nuclear weapons will not be used. The next best answer, to repeat ourselves, is the established Polaris-Poseidon system. If this system is in jeopardy, the Senate will want to find out why, and how it can be strengthened.

The problem is not the Pentagon's ABM boondoggle, but a very real and potent defensive force already in being. Is it being slighted?

[From the Lewiston (Idaho) Tribune, Apr. 4, 1969]

A Cycle of Madness That Must Have an End

Listening to Defense Secretary Melvin Laird describe to his Senate audience the virtues of bigger, better ABMs, we got the feeling that it was a performance needing a psychedelic backdrop of swirling colors and lights, revolving patterns and words that recede and zoom and melt into other words with other meanings. It needed sound and beat and lightning flashes, for it was a performance designed not to inform but to excite, not to convince but to bedazzle.

There is little to be gained from a point-by-point argument over Mr. Laird's particulars, for what he offers is not fact but a premise, the premise that the evil men of the world are arrayed against us, and that we must move now to defend ourselves against anything they may do at any time in the future. It is to this thesis that we must now address ourselves, not to any orderly discussion of whether or not ABMs will work or whether or not we need them. It is an argument based not on logical discussion but emotional appeal, and it deserves the emotional response of outraged protest.

Mr. Laird admits, as did President Nixon before him, that there is no evidence that either Russia or China desires or is planning an attack on us. But because it is possible that they may, we must prepare against it. He admits that the ABM, no matter how ruinously expensive, will not protect us against a missile attack; but we must build it because we don't know anything better to do. And by implication we must build also every new weapon that is devised, not because it is needed, not because it will work, but because if we don't someone may take it as a sign of weakness and attack, or an attack will succeed that otherwise might have failed. . . .

We are being offered a world in which words lose their meaning. Only months ago we were being told that the ABM was absolutely vital for the protection of our cities; the same men now say that ABMs can't protect the cities and aren't needed for that purpose anyhow. Months ago these men were telling us that the missile sites for which we were spending billions were invulnerable to attack; now we are told we must have ABMs to protect these same sites from attack by other missiles. Only days ago Mr. Nixon assured us that only a few ABMs were needed because recent Russian history showed a nation primarily concerned with defense; now Mr. Laird warns that we cannot neglect any aspect of defense lest the Russians spring for our throat.

We are being offered a world in which spending for death leaves nothing to spend for life, in which our cities rot and our waters reek and our people groan from the burden of taxes, while we build more stately mansions underground from which to kill other men, frightened and frightening as ourselves. This is the cycle of madness, and somewhere, somehow, it must have an end.—The Louisville Courier-Journal & Times.

From the San Francisco Chronicle, Apr. 27, 1969]

The Time Is Now

Senator John Sherman Cooper (Rep.-Ky.) has enlivened the Safeguard debate with a suggestion that President Nixon defer his proposed limited deployment of the anti-ballistic missile system pending discussions with the Soviet Union toward a disarmament agreement.

The suggestion had scarcely been uttered before its wisdom was reinforced by a curious coincidence in which the Nixon Administration, in Washington, and the Soviet Union, in the 17-nation disarmament talks at Geneva, put forward remarkably similar views on how such an agreement should be approached.

Washington spoke of a series of separate accords on limiting various weapons systems—one for submarine-fired missiles, another for land-based intercontinental ballistic missiles, another for anti-ballistic missile systems, and so on. The Soviets' chief delegate at Geneva said that Moscow has abandoned its early one-package plan and now favors a phasing-out approach—first a prohibition on the use of nuclear weapons, then a limitation of delivery systems, then a prohibition against bomber flights outside of national borders, and so.

That program, he informed the delegates, was specifically designed "to limit and exclude completely the possibility of a nuclear attack by one country against another" and "to promote an international atmosphere favorable to further disarmament negotiations."

U.S. officials are reported to have sniffed at the proposal as "nothing new" and to have pointed out the absence of any reference whatever to U.S. demands for on-site inspection to guarantee compliance. But the similarity of the Moscow and Washington positions is unmistakable—and the inspection issue may have become moot through development of reconnaissance by satellites. Senator Aiken of Vermont may have exaggerated somewhat in asserting that the system can "detect a postage stamp from 50 miles up," but its effectiveness was revealed by President Nixon himself when in his March 14 press conference he gave specific information that Moscow is ringed about with 67 ABMs.

Thus there is ample support for the optimistic appraisal that the time was never so propitious for disarmament talks, or so favorable toward the arguments of Senator Cooper, and other opponents of Safeguard, that postponement of any deployment would not only save billions but would head off a ruinous escalation of the arms race.

Supporters of Safeguard have apparently reached a similar conclusion. They have suddenly intensified a scare campaign in which the Defense Department speaks ominously of the Soviet Union's "first-strike capability" and Senator Strom Thurmond speaks fearfully of a "missile gap" in which he says the Soviets have more ICBMs than we have and—revealing that the gap is more anticipatory than real—"are catching up in all other areas of nuclear warfare."

[From the Riverside (Calif.) Enterprise, Mar. 27, 1969]

Suddenly, 8 Feet Tall

Defense Secretary Melvin Laird came out with some frightening testimony before a Senate Foreign Relation subcommittee, testimony that raises more questions than it answers.

In justifying the President's anti-ballistic missile decision, Secretary Laird said that the Soviets have embarked upon a policy which could give them the power to destroy America's retaliatory strength.

The Secretary said that the Soviets are deploying nuclear blockbusters and building a more sophisticated submarine fleet. He concluded that their ambition is to achieve a first-strike capability, "no doubt about that."

When did this happen? If the Secretary's comments are correct, then there has been some amazing intelligence gathered in just the last eight weeks or a grave threat to the national security was allowed to occur.

Committee Chairman J. William Fulbright responded, "Suddenly the Russians are becoming eight feet tall and they are about to overwhelm us." That is not an entirely unreasonable observation, given what prompted it.

For, when did the Soviets decide on getting into position to knock out America's nuclear arm in one fell sweep? Is this, in fact, a new policy? Or it it something that has always been an ultimate goal, to be worked toward if not realized? Is the U.S. after a similar first-strike capability?

Secretary Laird has to understand that this is quite a bit to throw at people, that there are those who might take him literally and get the impression that the Russians are bent on doing in the United States next week.

Also, the Secretary's view is hard to adjust to the fact that he speaks for an Administration which claims to be basing its relations with the Soviets on negotiations, not confrontations.

Either someone is dramatizing the Soviet ambitions or this nation is in dire straits.

And, to think, only months ago the reason offered for an ABM thin-line was that it was insurance against the Chinese doing something crazy. Now, it's because the Russians are supposed to be intent upon changing the entire balance of power, maybe just by suddenly wiping out this country.

If the ABM line thickens at the rate the justifications for it have proliferated, then within a few years there's going to be a missile site in every other backyard.

[From the Sacramento (Calif.) Bee, Apr. 16, 1969]

Another Viewpoint: The Versatile ABM

One of the marvels of the ABM is the facility with which proponents of the system switch their rationalizations for it. When he appeared before the Senate Armed Services Committee, Secretary of Defense Laird preached the gospel of ABM as an indispensible defense against Soviet nuclear power. When he appeared before the Foreign Rela-

tions disarmament subcommittee, he painted it as a "building block" toward disarmament. We must deploy the system, he seemed to be saying, in order to be in a position to agree not to deploy it.

The same flexibility, if that is what it should be called, has been exhibited by the Joint Chiefs of Staff. For years the JCS has been insisting that the national security demanded missile defense for at least 25 major cities. The "thin" system adopted by the Johnson administration was regarded by the joint chiefs as only a stepping stone toward a thick system covering the population centers.

Yet when the Nixon administration decided that the population cannot be protected and that the ABM should be deployed around Minuteman missile sites instead, the joint chiefs abandoned their position and embraced the new rationalization.

How much value is to be attached to a solemn determination of "security" needs by the military mandarins when it can be so readily alerted to fit the political needs of a new administration?

What made the Johnson version of the Sentinel system untenable, and caused work on it to be suspended, was not a military but a political fact—namely, the exploding opposition of suburbanites who did not want ABMs in their back yards. This was a blow to the Pentagon, whose public opinion engineers had expected the location of ABMs near some cities to produce irresistible demands for their location around all cities.

When the people displayed more common sense than they had been credited with, a new rationalization had to be hastily put together. The specter of a mad Chinese launching a missile attack on the cities had to be laid aside, and the old, reliable specter of a Russian assault on American civilization revived for one more run around the track.

When so many conflicting reasons can be advanced for an escalation of the nuclear arms race, that is cause enough to be skeptical of all of them.

[From the Riverside (Calif.) Enterprise, Mar. 24, 1969]

DOWN, NOT UP

The Senate Armed Services Committee has made itself a televised forum for witnesses who support President Nixon's plea to deploy a modified system of anti-ballistic missiles.

The Senate Foreign Relations Committee is giving a televised forum to witnesses who oppose it. When the Senate decides whether or not to appropriate funds for the first two planned ABM sites, it will have to resolve this clash between two of its own committees.

Armed Services, with its generally hawkish bias on Vietnam and most other issues, is charged with the relatively narrow task of preserving America's military security. Foreign Relations has to deal with all the broader aspects of national security; armaments and strategic dispositions are a part, but only a part of the larger picture.

Buttressing the case for the ABMs, Defense Department witnesses painted for Armed Service committeemen an alarming picture of the Soviet missile buildup. Witnesses even were permitted—encouraged might be a better word—to reach back into the security stockroom and bring out material hitherto stamped secret. This, after all, is the Pentagon's big push.

Perhaps the Soviet buildup is as alarming as was depicted. But that is not the same as establishing that the best way to keep the country, and world, from destroying itself, is to embark on an intensified American buildup.

Somewhere, if armament races never stop, somebody is bound to throw a match and the stockpile will blow up. Who's safe, what country has a chance of "winning" once nuclear warheads are flying?

If the Soviets are getting near to a position of dangerous superiority, or even omnious first-strike capability, the obvious first U.S. effort should be to explore fully the prospects of negotiating the arms race down rather than jockeying it up.

And particularly at this time when the Soviets sound more interested in arms talks than they have for many years, and when they are pressed from behind by a belligerent Red China.

[From the St. Petersburg, (Fla.) Times, Apr. 7, 1969]

NIXON'S ABM: COLD WAR OF ANOTHER KIND

The Senate Foreign Relations Disarmament Subcommittee has stripped the fiction from President Nixon's anti-ballistic missile proposal. The Sentinel-turned-Safeguard stands naked of any validity and shivering in the cold blasts of truth leveled at it by the subcommittee.

The two most chilling indications that Nixon's ABM is a high-yield boondoggle came from Administration spokesmen themselves.

Secretary of State William Rogers told the subcommittee the Administration would "have no problem," in fact would "be delighted," to put the American ABM proposal on ice if the Soviet Union would dismantle its small ABM system around Moscow.

If that is so—and there is every reason to hope it is—then Secretary of Defense Melvin Laird was misleading the American people when he said this system is necessary to protect against the Soviet "offensive" threat that might develop in the mid-1970s.

If the American ABM can be traded for its Soviet counterpart, then it has nothing to do with an alleged Soviet intent to build an offense so strong it could overwhelm the American ability to counterattack. It has nothing to do with new intelligence alleged to indicate such an intent. It has nothing to do with changes in the Soviet SS–9 missile.

As for its other potential uses:

Deputy Secretary of Defense David Packard himself dismissed the Chinese threat as "not much further along than it was three years ago."

Protection against an accidental launch would be limited immediately to two Minuteman sites in the upper Midwest, and the urban centers of North Dakota and Montana, according to Administration presentations.

But there is an even more disturbing indication that the Administration is misleading the American people. Pressed to produce the list of non-Pentagon scientists he promised—a list supposed to offer names of independent experts who served as advisers on ABM—Packard produced only one name: Dr. Wolfgang K. H. Panofsky, a Stanford physicist.

Panofsky was called before the subcommittee, where he immediately set the record straight. His service as adviser was limited to a chance meeting with Packard in the San Francisco airport. He said, "I would like to state that I did not participate in any advisory capacity to any branch of the government in reviewing the decision to deploy the current modified Sentinel or Safeguard system."

Every credible indication is that ABM is unncessary, fabulously expensive, diplomatically disruptive, strategically provocative and technically uncertain.

But what makes the blood run cold is that the Administration apparently is willing to mislead the American people to justify the ABM.

[From the Hackensack (N.J.) Record, Mar. 31, 1969]

REASONS FOR ANGER

The sheer horror of the national debate over the antiballistic missile—here we soberly discuss the instantaneous slaughter of scores of millions of human beings as if it were a problem in mathematics—is mitigated by the intensity of the opposition.

It is critically important that the tradition of giving the Pentagon its own way be challenged—challenged vehemently. The United States has already gone altogether too far in the direction of militarism. The New Yorker magazine quotes George Wald of Harvard, the Nobel laureate in biology, on the subject:

"How many of you realize that just before World War II the entire American Army, including the Air Corps numbered 139,000 men? . . . Now we have 3½ million men under arms: about 600,000 in Vietnam, about 300,000 more in support areas elsewhere in the Pacific, about 250,000 in Germany. And there are a lot more at home. Some months ago we were told that 30,000 National Guardsmen and 200,000 Reservists—so half a million men—had been trained for riot duties in the cities."

And last Monday in the Senate Sen. Stephen M. Young, D-Ohio, termed the United States the world's largest military-industrial complex. He continued:

"Ten per cent of the American labor force is involved in either military or defense-related employment. Approximately 22,000 of our largest manufacturing corporations are prime military contractors, while more than 100,000 firms contribute to some type of output to defense production.

"The United States is the world's largest exporter of munitions. Our annual expenditures for defense purposes, so called, far exceed the total amount spent for welfare, education and poverty programs."

And as Sen. Young said, the pressure now is building for vastly increasing military spending in the United States, the instant project being the $6-billion ABM system that no one can believe will remain within that estimate.

It is time for serious, thoroughgoing debate, not only concerning the ABM proposal but concerning the direction the country is to take. There is no question that the United States and the Soviet Union have right now the capacity to destroy each other and much of the rest of the world. And there should be no question that this country, with its enlightened traditions, should be leading the world into paths far from militarism.

The militarism we now have came out of World War II and a long series of crises that built one on another until we got to where we are. It is not necessarily any one's especial fault. It need not commit the nation to a course of lavishing its brains and its resources on machinery of death and destruction. Let the debate in the Senate—and in the country at large—be thorough, candid, and if necessary angry. We are under no compulsion to drift to disaster.

[From the Jamestown (N.Y.) Post-Journal, Mar. 27, 1969]

POWER OF THE MILITARY

There have been several shocking exposes recently in the nation's press pointing up the validity of the warning issued by former President Dwight Eisenhower some years ago when he cautioned Americans to beware of the industrial-military complex in this country.

The Washington Post has turned up "classified" documents detailing the massive propaganda campaign carried on by the Defense Department last year which it used in persuading Congress to appropriate initial funds for the controversial Sentinel Antiballistic Missile System.

Here is how the Defense Department operates as disclosed by the Washington Post: The Pentagon organizes favorably disposed scientists to manufacture magazine articles supporting the Sentinel system; senators and congressmen are given classified briefings by "high officials"; industrial firms and civilian

contractors riding on the Sentinel gravy train are mobilized to generate public opinion in favor of same; leading citizens in "impacted" communities are communicated with; transportable display exhibits, pre-taped voice commentaries, "information packets," visual aids and mockups are employed to spread the word that if only the nation will go on spending billions for ABM's, maybe casualties in a nuclear exchange can be cut from 100 million to 40 million. The campaign worked last year and it is expected it will have its impact again this year despite mounting opposition to the ABM system in Congress.

When the Washington Post uncovered the Defense Department's "public information" apparatus the Pentagon responded by saying that it was "standard procedure" and couldn't understand why anyone would get excited. Using the taxpayers' money to commit the taxpayers to vast new military expenditures has become so routine that the Defense Department doesn't care if the public knows about it or not.

One of the latest pieces of evidence pointing up the power of the military-industrial complex came in the revelation that the Department of the Army involved itself in an apparent conspiracy with defense contractors to propagandize in behalf of the Sentinel system.

Secretary of the Army Stanley R. Resor's hand was caught in this operation, in which the Army planned to conspire with defense contractors to "plant" articles favorable to the Sentinel in the nation's press.

We can be sure that once the ABM system has been deployed the Pentagon's propaganda machine will be busy again this time pushing for the development of an expensive decoy missile system and the packaging of greater destructive megatonnage in the missile warheads. That is the next step! It will be argued that an aggressor can afford to saturate a target with ten or more decoys to one armed missile, activating the ABM defense and causing it to expend most of its explosive payloads on unarmed attackers.

And the decoy system is not the end of the line either. Next we shall hear how the Soviet Union is going underground with all of its major industrial and defense facilities, its utilities and its key government bureau. Of course the U.S. will have to match this effort and one can imagine the billions and billions of dollars yet to be expended for this ever escalating arms race and military strategy.

Those who argue in favor of President Nixon's proposed modified ABM system saying that because it is of a defensive nature there is no threat to stimulating the arms race simply are ignorant of the facts of life as they are viewed and plotted by the military-industrial complex. They apparently are not aware that the decoy system comes next, followed by higher explosive payloads and eventually a movement of major facilities underground. But this is the way it is and the American people seem to be at the mercy of those powerful forces which propagandize the nation into submission at the taxpayer's expense.

ABM—VITAL TO DEFENSE

Mr. MURPHY. Mr. President. It is extremely difficult for many Americans and this Senator to understand those who have traditionally opposed the defense of our Nation—those, who today amidst a cloud of technical misinformation tell us it is wrong to provide for our national security in the 1970's. They have given the national debate on the Safeguard ABM as requested by President Nixon a very curious twist. Suddenly, it is wrong, they say, to devise and to maintain a force which will help prevent nuclear war; and to do so in a way which would not tend to quicken the much talked about arms race, but would merely defend and protect our military capability and make an attack less likely.

Much has been said as well about that "dreadful military-industrial complex" and its alleged outlandish profiteering. It is time to set the record straight on that score, too. Over the past 8 years, nearly every major defense and technologically oriented manufacturer in California has faced a reduction in sales, profits, and most important, in employment. Several have suffered the agonies of layoffs in the thousands. And there are few industries whose profits are controlled by law and Executive order like those of which I speak. It should be well noted that a 3-percent net profit is regarded as outstanding by executives in this field.

Mr. President, our late beloved General Eisenhower has been quoted by many from his farewell speech as he left the Presidency.

It is again high time to set the record straight—to quote from the meat and intent of his remarks. President Eisenhower's main thrust was toward our national security, with the assurance that at that time we had the national strength of character to bear the burdens of a prolonged and complex struggle, against any who might wish to destroy us.

In context, President Eisenhower said, and I quote:

> A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

He continued:

> We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which will enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake.

In other words, then as now, we cannot progress in the fight to achieve a better life for all Americans unless we are free to operate within a framework of security and safety which can be provided only by our great military and technical strength—not to make war, but to guarantee peace.

It is most difficult to understand how those who oppose the Safeguard ABM ever got so far afield from the words of Eisenhower—how they would have us gamble on our security.

Mr. President, the issue is simple: Faced with a rapidly growing Soviet nuclear force, which has now surpassed ours in number of land-based ICBM's in being and under construction; and the very real potential of a Chinese Communist nuclear armed ICBM, what are the most prudent actions to take?

An immediate answer might be—disarm. But even the most ardent advocate of disarmament surely would not seriously propose unilateral disarmament in the face of the present example of Soviet actions in Czechoslovakia and their consistently expanding nuclear armament. Should we hold arms limitation talks in missiles, bombers, and submarines, then? Most certainly. But, we must deal realistically with this most important situation. I fully hope discussions between the United States and the Soviet Union on arms limitation will proceed and possibly be completed before the first Safeguard site becomes operational. And, it seems clear the Safeguard not only will not interfere with such talks but, in the face of the potential Chinese Communist threat which must be considered by both the Soviet Union and the United States, the existence of a light defense may well make it easier for us to agree with the Russians on an arms limitation proposal. But arms limitation talks are, after all, only talks. It takes two sides to agree; meaningful agreement may be very difficult to attain and may take years. We are, as yet, uncertain concerning Soviet strategic motives, and there is sufficient evidence to prove the U.S.S.R. has, in fact, quickened her arms production. What then is prudent while we proceed with arms limitation discussions?

What are our goals? They are: First, to prevent nuclear war by insuring that any possible adversary recognizes the certainty of our deterrent capability; second, to do all that we can to slow the arms race, while at the same time making certain of our defense. In considering these goals, let me place the issue in its proper context. The Soviet nuclear force buildup is a reality—now. The Soviet ICBM force is there—now. It is at least equal to our ICBM force—now. That Soviet force is rapidly expanding—now. The Soviet Polaris-like submarine is being produced in great numbers—now. The Soviet Union has an ABM defense of a wide area surrounding Moscow—now. The proposed Safeguard system, if approved, would not be operational for another 4½ years.

Consider our first goal: To prevent nuclear war by insuring that any possible adversary recognizes the certainty of our deterrent capability, and therefore the utter futility of initiating nuclear war.

The possibility of the continued growth of Soviet nuclear forces to a point where a response on our part was required has been recognized for several years. The most recent review of that situation has convinced the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President that a response to preserve our deterrent strength must be initiated now. This review considered the Soviet threat that exists now, the time involved in our making an adequate response, and uncertainties in Soviet intentions. The response proposed is Safeguard. Phase 1 of the Safeguard deployment is a light defense of part of our Minuteman land-based ICBM force. In the annual reviews of the program promised by the President, subsequent actions of the Soviet Union and the status of the arms limitation talks will be carefully considered in determining which, if any, of the options available in phase 2 of the deployment it is appropriate to undertake. In my opinion, this light defense of our

Minuteman ICBM's is a prudent step toward maintaining the adequacy of our deterrent. With annual reviews it will remain responsive to changes, up or down, in the Soviet offensive forces.

Safeguard clearly tells the Soviet Union that faced with the growing threat to the survival of our deterrent force, had we elected to increase the number of our deterrent weapons, our action could have been misconstrued as a threat to their nation. Safeguard, however, does not threaten the Soviet Union. And—the Soviet leaders know that. I repeat—the Soviet leaders know that. While meeting our second goal—it will not incite a Soviet reaction and thus add to the arms race nor will it in any way hinder the initiation of arms limitation talks. The Safeguard program has as one of its possible future alternatives a thin defense against attacks anywhere in the country. This is not part of the first phase of Safeguard and would be undertaken only if future developments prove it to be necessary. We do not know how to defend our cities against massive attacks such as the Soviet Union could launch, except by letting them know that we have the capability of retaliating with unacceptable destruction. We could protect them against light attacks which would be the best Communist China might do for some years. It is not necessary nor is it being proposed to make the decision now to deploy such a nationwide defense. That will be decided only when necessary.

Then, it is necessary to set the record straight on another important factor—cost. The American people have been confused and alarmed by the figures quoted by some of those who oppose the ABM. They would have us believe the President intends to open the money hydrant to pour some $30 billion, or even a hundred billion dollars into a program before the first phase of research and development is started. That, Mr. President, simply is not the truth. I submit there is a question of propriety in such rhetoric and when our citizens are already overtaxed, it is indeed cruel to raise the specter of an impossible financial burden in order to deny the President the Safeguard he needs. The President has asked for only $392 million to proceed with the initial steps toward deployment of Safeguard. This is less than the usual request for major programs and is a small price to pay for a step toward the continued security of our people.

Mr. President, if I may borrow from the vernacular of our youth, it is time to tell it like it is. Safeguard is simply a minimum prudent step to protect our deterrent capability in the face of a large and growing Soviet offensive nuclear strike capability. It is a step which will not quicken the arms race; it is a step which does not hinder arms limitation talks; it is a step which goes only so far as is required by the growth in the Soviet force; it is a step which is subject to annual review by the President and the Congress; and it is a step which must be taken now if we are to have any defense 5 years from now. It is a step which, I believe, the security of this Nation demands that we take.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The VICE PRESIDENT. 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, what is the pending question?

The VICE PRESIDENT. The pending question is on agreeing to the amendment offered by the Senator from New York (Mr. JAVITS).

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN CASUALTIES IN VIETNAM

Mr. GORE. Mr. President, the Defense Department reports that for the week ending June 14, 335 American soldiers were killed in Vietnam and 1,695 were wounded.

This brings the total number of such casualties to more than 42,000 which have suffered in Vietnam since the inauguration of President Nixon.

Mr. President, this war must end. It must end because it is immoral and because it is wrong.

It must end too, because it threatens to destroy us.

I hope that the chairman of the Committee on Foreign Relations will consider convening the committee in public session in order to examine the question: What is the road to peace, and what policy, what action, would constitute a step toward peace, an appropriate policy for peace?

This, it seems to me, is the fundamental policy decision before our country today. We have been diverted from this principal issue by the attention focused upon the proposal to withdraw some 25,000 American soldiers from South Vietnam.

The key policy issue is whether the United States shall seek, and whether we will use our pervasive presence in South Vietnam to persuade a peaceful settlement through conciliation of the forces and factions in South Vietnam, or whether we shall persist in supporting and maintaining in power the reprisive Thieu-Ky regime.

Now that President Nixon has "ruled out" a military victory, the political process seems an appropriate, if not the only, procedure for peace. What procedure or policy would be most appropriate?

This deserves and requires our attention.

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Virginia (Mr. SPONG) for the purpose of considering his amendment, and that consideration of my amendment shall follow immediately upon the disposition of the amendment of the Senator from Virginia.

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

AMENDMENT NO. 47

Mr. SPONG. Mr. President, I call up my amendment No. 47 and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, line 11, strike out "$19,920,000" and insert in lieu thereof "$20,280,000".

On page 18, line 6, after "grants," insert the following: "$360,000 which shall remain available until expended and shall be considered as interest earned on the sum authorized to be appropriated by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608) and shall not be considered as an amount appropriated under such section,".

Mr. SPONG. Mr. President, first, let me thank the distinguished Senator from New York for yielding to me at this time.

On yesterday, I filed a complete statement on this amendment along with certain correspondence pertinent to it.

Additionally I would only say to the Senate that this amendment appropriates, in lieu of land-grant-endowment appropriation for the District of Columbia, a sum equivalent to the income on such an endowment. This will enable the extension work in nutrition education, homemaking, consumer and adult education in the District of Columbia to be tripled in the next year. The fate of the endowment fund, which has passed the House, will be determined in conference. Regardless of what the conference decides, this type of extension education is badly needed at this time in the District.

I have discussed this with the Senator from West Virginia (Mr. BYRD) and others on the committee, and I would be pleased at this time to hear from the Senator from West Virginia with regard to it.

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from Virginia has discussed this matter with me and I have discussed it with the ranking minority member on the subcommittee. I think the Senator from Virginia (Mr. SPONG) has made a fine presentation which has reflected a great deal of research and work on his part. I commend him for it. The ranking minority member and I have agreed to accept this amendment and go to conference with it.

Mr. SPONG. I thank the able Senator from West Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment to the committee amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from New York (Mr. JAVITS) (No. 40).

Mr. JAVITS. Mr. President, I think that I shall go ahead, as some of the points with respect to this amendment are incorporated in a letter which every Member of the Senate has received, and deal with the basic problem.

Mr. President, the problem really involved here is the very deeply rooted one of reallocation of priorities in our country. I seek to reallocate an amount of $55 million, which is no great sum of money, considering the problems and the extent of our budgetary expenditures. Nonetheless, it is a significant example of what people like myself, deeply concerned with our big cities, as well as our smaller cities, and with what is happening to them, have been bringing up before the Congress.

Here we are, coming into the summer, with more than 1,500,000 young boys and girls, below the poverty line, 14 to 21 years of age, out of school; the question is, What is going to happen to them this summer? This question is complicated, of course, by unforeseen events which could take place. But we already know we have faced a condition of concern and disruption not only in colleges and universities, but in high schools as well, and hence we probably do not face a tranquil national situation.

In addition, we are very cognizant of the fact that in the field of housing, health, and education, we have tremendous divisiveness and many dislocations in the country. I need only mention the terrible struggle, so bitter and deep, over school decentralization in my own city of New York; the fact that, for lack of money, whole school systems have been shut down in other parts of the country, indicates the incendiary material that is upon us. In addition, the measures which we have taken in the poverty program, the manpower training program, and so many other programs, have given some opportunity, but by no means enough opportunity, to make a dent in the mounting of poverty in the country. Hence, all of the combustible materials are there, and the outlook seems bleak.

The question is, What kind of summer are we going to have? I do not know, but I do know that I am certainly against asking for trouble or paying somebody off not to create it. I feel that when we have ongoing programs which have proved their worth, which are modest in cost, and which are a constructive contribution to the way in which citizens in the poverty classification can be helped, we certainly ought to do everything we can to enhance these programs to provide for the constructive utilization of the time of our Nation's youth. No one knows better than I—who have had a lifetime of experience with all of these programs—that you simply cannot force money into these operations the way you would force food into the throat of a Strasbourg goose. But there must be some capacity to use them effectively.

Hence, both the Department of Labor, which, by the delegation of the Anti-poverty Office, handles this particular matter, and the committees, and others, have done their utmost to ascertain what is really needed as compared with what is available. The real issue between my committee and myself and those who are supporting me—and I will read the list of the cosponsors of this amendment—is: Shall we provide what the Department says can be used effectively, or shall we provide what the mayors of the country, who are right on the firing line, feel can be used effectively?

We must bear in mind that, no matter what we provide in the Senate—and I, have served on the Appropriations Committee, just as has the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mr. COTTON), who are both in the Chamber—this matter will go to conference and some compromise will be hammered out. Or shall it be some figure in between?

Here are the bare bones of the factual situation: Last year there were, roughly speaking, 336,000 of these summer job slots. The reason why there were 336,000, and not something like 300,000, was that after an unbelievable struggle in the conference, with the tremendous aid of the Senator from West Virginia (Mr. BYRD), the Senator from New Hampshire (Mr. COTTON), and other members, it so happens that we got $13 million more than the House originally allowed. So we had 336,000 slots.

The target population is 1,500,000 youths between 14 and 21 in the poverty category. The Department of Labor says that if you add 24,000 more slots to the 336,000 slots already provided—making a total of 360,000 slots—then that's making a total of all they think they can effectively use. That would require that the added appropriation which is contained in the committee amendment be $10 million, instead of the $7,500,000 provided.

I will say this to the members of the committee: The department has been moving on this matter. At one time, its figure was $5.5 million additional. When the Appropriations Committee considered it, the amount was $7.5 million. The last figure which we received, which was just the other day, June 17, moved the figure up to $10 million.

I think it is a very significant approach to the question of a reallocation of priorities that the Department has been moving up its own figure as it has obtained more information.

The U.S. Conference of Mayors, which represents the mayors of 610 cities, happens to have been meeting in Pittsburgh this week. The conference feels that the cities need 136,500 slots. In fact, it adopted a resolution, which I agreed to report to the Senate, which was phoned in to me just yesterday, asking for $100 million, not for the $55 million which I have asked for, which is the appropriate translation of the 136,500 slots, at $411 into $55 million. They have asked for $100 million, based upon what they consider to be their best information.

The $55 million for 136,500 would stand in the place of the $7½ million for 16,000 to 17,000 slots which the committee bill would add, and in place of the $10 million for 24,000 slots which even the Department of Labor recommends. This number, 36,000 slots, is based on the actual survey of capability of use of the U.S. Conference of Mayors. It calls for 72,382 slots in the 50 largest cities in the country; and I put into the RECORD of last Monday a chart which analyzes that figure, and shows the additions required in each major city, so that Senators may identify and check our figures.

The 72,000 slots for the 50 major cities would cost roughly $30 million. I am giving these various cost figures, because I think each of them is meaningful.

In the smaller cities of the country, the mayors estimate that some 67,000 slots are required. Now, because the data has been slow in coming in, we have only been able to get samplings from the various States. However, we do have a sampling of a smaller city from practically every State. So I ask unanimous consent, Mr. President, that there be printed in the RECORD a revised chart which shows the findings of the conference of mayors as to the largest cities—which I have already presented—and also as to the smaller cities in each State.

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

State	Major 50 cities	Slots needed	Small cities	Slots needed
Alabama	Birmingham	421		
Alaska				
Arizona	Phoenix	1,343		
Arkansas			Little Rock	600
California	San Francisco	642	Compton	200
	Los Angeles	2,401		
	San Diego	884		
	Oakland	1,232		
Colorado	Denver	233		

State	Major 50 cities	Slots needed	Small cities	Slots needed
Connecticut			Bristol	25
			Norwalk	50
			Burlington[1]	50
Delaware			Wilmington	200
Florida	Miami	501	Orlando	500
	Tampa	586	Fort Lauderdale	100
Georgia	Atlanta	420		
Hawaii	Honolulu	458		
Idaho				
Illinois	Chicago	8,846		
Indiana	Indianapolis	238		
	Fort Worth	270		
	Gary	370		
Iowa				
Kansas				
Kentucky	Louisville	1,080	Lexington	150
Louisiana	New Orleans	7,264		
Maine				
Maryland	Baltimore	2,363		
Massachusetts	Boston	814		
Michigan	Detroit	2,422		
Minnesota	Minneapolis	508		
Mississippi				
Missouri	Kansas City	350		
	St. Louis	1,200		
Montana			Billings	100
Nebraska	Omaha	188		
Nevada				
New Hampshire			Manchester	50
New Jersey	Jersey City	385		
	Newark	1,493		
New York	New York City	21,621		
	Buffalo	635		
	Rochester	461		
North Carolina			Charlotte	150
North Dakota				
Ohio	Toledo	82		
	Dayton	84		
	Columbus	456		
	Cincinnati	617		
	Cleveland	2,882		
	Akron	97		
Oklahoma	Oklahoma City	399		
	Tulsa	69		
Oregon	Portland	431		
Pennsylvania	Pittsburgh	1,343		
	Philadelphia	942		
Rhode Island				
South Carolina			Columbia	50
South Dakota				
Tennessee	Memphis	377		
Texas	Houston	970		
	Fort Worth	270		
	San Antonio	1,434		
	Dallas	495		
Utah	Salt Lake City	200		
Vermont			Burlington[1]	50
Virginia	Norfolk	616		
Washington	Seattle	285		
West Virginia			Wheeling	300
			Parkersburg	200
Wisconsin	Milwaukee	372		
Wyoming				
Washington, D.C.		3,014		

[1] May not have a program, but could use it.

Mr. JAVITS. The important point, Mr. President, is that the mayors are the men on the spot. They know the worth of the program, and they know the target.

There is no longer any question of meeting the target. I wish we could change the priorities of our Nation so that we could meet the target of 1.5 million youth in the poverty category, through action by private business, voluntary organizations, and Government. It would take a considerably larger appropriation than we will get here, even if this amendment is agreed to. But still the target could not be met, because they simply cannot absorb them; the machinery is not available. Let us remember that this is mid-June, and we are figuring against a deadline after which it will not be possible to put the money to effective use.

So we have to adjust ourselves to what we can do rather than what is required. According to the mayors, what we should do, at the very minimum is provide $55 million for the 136,500 slots. And, as I have just indicated, the mayors have just passed a resolution, an excerpt from which I shall read, asking for $100 million. But they have been able to give me only figures to back up the $55 million, and that is why I have moved for that amount.

The resolution, adopted yesterday in Pittsburgh by the Conference of Mayors, reads in part as follows:

> Whereas, the federal government through on-going youth activities in supplemental appropriations to the Office of Economic Opportunity and the Neighborhood Youth Corps provided employment and recreational opportunities to thousands of inner-cities during the summer of 1968 and will do so again this summer; and
>
> Whereas, there has been inadequate attention given to problems of employment of youth between the ages of 14 and 16 by both government and industry; and
>
> Whereas, the funding of these important programs, which contribute to constructive summers for thousands, was and is inadequate for needs in the cities. . . .
>
> *Now therefore be it resolved that* the United States Conference of Mayors calls upon the President to request and Congress immediately to approve a supplemental appropriation of $100 million for the summer of 1969 for Office of Economic Opportunity Community Action Programs, summer Head Start, and summer Neighborhood Youth Corps;

This is the finding of the conference of mayors.

Mr. President, this is the fundamental issue before us. I should now like to turn, as juxtaposed to the mayors' view of what is required, to the Department of Labor's own view of what is required.

In a letter of June 17, 1969, supplied to Senator BYRD, but of which they were kind enough to let me have a copy, the Department says:

> The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million. These additional funds would provide 24,000 additional job opportunities for youth in the summer NYC program. When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.

Now, Mr. President, we should not forget that this still is targeted at 1.5 million youth—

> This compares to $126,676,730 and 340,043 slots available for summer NYC last year and represents an increase over last year of approximately 20,000 job opportunities.

Then they go on with the details of how the program operates, et cetera. I add to my quotation this paragraph, which I think is very important:

> The program becomes less flexible as the commencement of operations approaches—staff has been hired, arrangements for work stations, supervision, etc. have been made. However, the Labor Department estimates that meaningful work opportunities could be provided for the additional 20,000 youth if funds were made available in late June. Four thousand of these additional slots would provide the same level of opportunities as in the 1968 summer and the additional 16,000 would provide for some—

I emphasize that word "some"—

> of the pressing needs of particularly the larger urban areas.

We have obtained from the Department of Labor a breakdown of where these 20,000 or 24,000 opportunities would be provided, assuming that we got the $10 million. That $10 million, of course, is not in the bill—the bill calls for only $7.5 million. I should like to make just a few comparisons, if I may, in some of the most difficult and congested regions of the country.

Let us take, for example, the New York region, which is mine. The Labor Department's program would provide for 5,413 slots for New York, New Jersey, the Virgin Islands, and Puerto Rico.

It is interesting that the estimate of the mayors for the city of New York comes to 21,621 slots, or four times what is requested for the whole region. This is quite apart from the needs of Newark, Trenton, Buffalo, and other critical New York areas.

In the New England region, the 24,000 slots would provide for 362 additional slots, and yet Boston alone, according to the certification of its mayor, needs 635.

That the mayors have themselves been moving up their targeting is shown by the fact that in their resolution they seek $100 million while I am seeking $55 million. Also I call attention to the experience of the Senator from Missouri (Mr. EAGLETON).

Senator EAGLETON looked over our chart for the 50 largest cities, and found

that the figure for two cities in Missouri, to wit, Kansas City and St. Louis, were 269 and zero, respectively, over and above what they were allocated by the basic appropriation, which was 800 for Kansas City and 1,080 for St. Louis.

He checked on those figures, and found that this information did not present the updated picture. I ask unanimous consent to have printed in the RECORD Senator EAGLETON'S letter, in which he says:

Therefore, I checked with authoritative sources in both Kansas City and St. Louis, and find that the number of additional slots those two cities could effectively utilize are as follows: Kansas City 350, St. Louis 1,200.

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

JUNE 17, 1969.

Re amendment to H.R. 11400 so as to increase funds available for the summer neighborhood youth corps program.

Hon. JACOB K. JAVITS,
Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATORS JAVITS AND NELSON: You are offering an amendment to H.R. 11400 which would increase the funding (from $7,500,000 to $55,000,000) of the summer Neighborhood Youth Corps Program.

I fully support your amendment and will vote for it because I am certain the $7,500,000 figure will not come close to doing the job which is needed to be done.

In support of your amendment you have had a table prepared by United States Conference of Mayors which purports to show the 1968 and 1969 enrollment levels in the program as well as the additional needs of the 50 largest cities in the United States.

The two Missouri cities on this list are Kansas City and St. Louis and your figures appear as follows:

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, 50 LARGEST CITIES, 1968 AND 1969, ENROLLMENT LEVELS

	Summer 1969			
	EOA original allocation (in jobs)	MDTA additional slots	Total all sources	Additional required
Kansas City	800	331	1,131	269
St. Louis	1,080	754	1,834	0

Especially insofar as St. Louis was concerned, I was very surprised that there were no additional summer job needs. Therefore, I checked with the authoritative sources in both Kansas City and St. Louis and find that the number of additional slots that those two cities could effectively utilize are as follows:

Kansas City	350
St. Louis	1,200

If you plan to introduce the table into the Congressional Record, I would appreciate it if you would also introduce this letter so as to correct the above-mentioned figures.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a telegram received by Senator CRANSTON'S office from the executive director of the Los Angeles Economic and Youth Opportunities Agency, stating Los Angeles could use 5,000 additional slots, rather than the 2,401 slots which the Conference of Mayors' table originally indicated on the basis of information obtained weeks ago.

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

LOS ANGELES, CALIF., *June 13, 1969.*

Senator ALLEN CRANSTON,
Senate Office Building,
Washington, D.C.:

At the enormous request of the board of economic and youth opportunities agency, we are submitting information in order that Senator Allen Cranston may initiate a supplementary appropriations for jobs for Los Angeles youth. The need is critical. Reports from public and private agencies and the state employment service shows less than 5 percent of youths already registered for jobs from poverty areas will find work with the current appropriation. School closes June 20th and we expect thousands more applications. Our agency working with public.

We can increase the number of employed youth in Federal programs at estimated cost of five million dollars which includes supervision and administration. We can add five thousand youths to the ten thousand currently being planned for.

MANUEL ARAGON, Jr.,
Executive Director, EYOA.

Mr. JAVITS. These additional slots for these three cities are not included in the $55 million appropriation which we seek through this amendment. As I say, we did not have from the Conference of Mayors itself the supportable data to back it up. However, the independent inquiry of this one Senator indicates why the mayors feel that $55 million is inadequate, and that their resolution indicates a need of $100 million.

My amendment was very substantially supported in the Senate by Senators who feel a very deep responsibility to do everything they can in this very modest recordering of national priorities to deal with this very urgent situation. The Senate should bear in mind that even if my amendment is agreed, we will be dealing with less one one-fourth of the target.

In addition to the Senator from Wisconsin (Mr. NELSON), the chairman of the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare the cosponsors of this amendment are the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the junior Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. HART), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. YOUNG), and the Senator from Minnesota (Mr. MCCARTHY).

In each of those cases, Mr. President, what has appealed to my colleagues has been the real impact which we all seek to make and which can be made most effectively and efficiently on the basis of what can actually be utilized in respect of this very serious summer problem at the very minimal cost of $411 per slot. Certainly, we can hardly conceive of a program having any meaningful effect at all which could cost us less per person than that amount.

For example, in the smaller cities scattered throughout the country, surveys indicate the need for this kind of help.

By way of illustration, I refer to the following needs of a number of our smaller cities:

Little Rock, Ark	600
Compton, Calif	200
Bristol, Conn	25
Norwalk, Conn	50
Burlington, Conn	50
Wilmington, Del	200
Fort Lauderdale, Fla	100
Orlando, Fla	500
Lexington, Ky	150
Billings, Mont	100
Manchester, N.H	50
Charlotte, N.C	150
Columbia, S.C	50
Wheeling, W. Va	300
Parkersburg, W. Va	200
Burlington, Vt	50

The situation indicates that although they are small these figures have a saturation effect in this kind of program, and that effect goes down the roots right into the soil, which is our Nation. Therefore, there is a tremendous utility involved.

The program has been going on for several years. There was originally deep concern about the accountability of funds and the tightness with which controls would operate in this field. The Department—and we certainly have to accept their appraisal—is fully certain that the rules and regulations and accounting controls which they have put into effect assure that there will be honest accounting and honest handling and direct benefit from these programs.

In addition, the whole problem of overhead has now been streamlined, so that we have a direct relationship to the very modest cost between the input of money and the output of value to the individual recipients.

Mr. President, government should share the problems of people and make provision for them. I do not consider the path government takes to be wise if it involves solely confrontation and the use of power to suppress.

We should do our utmost to do what is honorable and reasonable in order to meet the needs of the people so that they have no need to revolt. We can no longer assume that if we do not, within our means, meet those needs, that the people must nevertheless be quiet.

Mr. President, I deeply feel that we obviously cannot meet the total target of 1.5 million, although that would be the optimum. However, certainly, we ought to do our utmost to meet the target which can be met, and that involves approximately one-fourth of the total.

We have the certification of the mayors, the men on the ground, as it were, as to what they can do. They have given us a certification now of $100 million.

As I have stated, I have only picked up that part of their figure which is directly supportable, and that is the $55 million contained in my amendment.

I deeply feel that, considering all of the circumstances which we face, the target number involved, the proven capability to get at least some of that target number, and the support given to the amount shown by the actual figures from the men on the ground, that this is a reasonable effort to reallocate a modest amount of resources for a very urgent

program. Therefore, the amendment should be adopted.

There is one other consideration which I should like to mention in laying the matter before the Senate. It will be recalled that we are closing close to half of the Job Corps camps which deal with the same group, in the sense that the Job Corps camps take youths from 16 to 21 years of age.

Incidentally, in passing upon this amendment, it should be borne clearly in mind that this is one program which reaches the group from 14 to 16 years of age. This is a very critical point, because these very young persons, from 14 to 16, can be materially helped and are urgent applicants for this kind of assistance.

Referring again to the Job Corps, about half the Job Corps camps will be closed, releasing about 16,000 Job Corps trainees. The closing of these camps will save $100 million, according to the Secretary of Labor. Our analysis indicates that a minimum of 12,000 young persons will be caught in the transition as a result of the closing of the camps. These young people have not been assigned to other camps or enrolled in other manpower slots to which they could be moved. They have merely been sent back home, awaiting redirection.

Besides this number, there is a backlog of 3,000 applicants who were ready to be admitted to Job Corps camps but could not be admitted because of the closing of those camps. So there is a group of at least 12,000 who are certainly entitled to high priority consideration by Congress. In addition, a considerable amount of money will be saved by the closing of the Job Corps camps.

It seems to me that both these facts underlie the justice of the amendment we are now considering. It gives us a saving which is almost twice the amount that is being sought by the amendment and also indicates the urgent situation for these 12,000, which requires the intermediation of Congress.

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

Mr. JAVITS. I am glad to yield to the Senator from Vermont.

Mr. PROUTY. I was under the impression that I was a cosponsor of the amendment of the Senator from New York. Through some inadvertence, my name does not appear as a cosponsor.

Mr. JAVITS. Mr. President, will the Senator let me correct that oversight? I ask unanimous consent that the Senator from Vermont (Mr. PROUTY) may be made a cosponsor of the amendment.

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

Mr. PROUTY. Mr. President, I commend the distinguished Senator from New York for offering the amendment and also for the strong, logical argument he has advanced in its support.

The need for more summer programs for youths this year is certainly great. Many young persons who will be eligible for new programs planned by the Department of Labor are not currently included in existing programs.

In rural areas, the situation may become particularly acute because the work opportunities offered by industry are lacking.

The figures used by the Conference of Mayors in ascertaining the number of additional slots necessary reflect these needs. Until such time as new programs are instituted by the Department of Labor, I do not think we can afford to let our Nation's youth spend an idle summer when they could otherwise be productively occupied.

I therefore endorse the amendment to provide for additional funding of this summer's training programs under the Neighborhood Youth Corps.

Mr. JAVITS. Mr. President, I could not be more pleased with the support and commendation of any Member of the Senate than I am with that of the Senator from Vermont. He is, as it were, second in command to me on the minority side of the Committee on Labor and Public Welfare. He is himself the ranking member of one of its principal subcommittees, the Subcommittee on Education, and altogether a deep student of this problem.

One other thing that Senator PROUTY has said is critically important to this argument—that is, in emphasizing the rural aspects of this matter. I am a big city Senator, though New York has enormous rural areas, and I do my utmost to represent them; however, essentially I am a child of the big city. But Senator PROUTY represents a constituency which represents the rural point of view; and I have tried to emphasize, through the mayors themselves, the impact of this situation on the smaller cities.

I am very grateful to the Senator for lending his personal support and prestige to the meaningful quality which is involved here to the urban areas, to the rural areas, and to the smaller cities.

Mr. President, other Senators may wish to speak; inasmuch as the manager of the bill is not present at the moment, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have nothing to add to the comments I made the other day, except to express my support for this bill. I think it is urgently needed. It is a matter of high priority, and I can think of nothing that would provide more hope to the inner city areas, in the heat of the summer this year, then the chance to usefully employ the skills and abilities of these young people and give them a sense of being needed and wanted.

Mr. JAVITS. Mr. President, will the Senator yield for two questions?

Mr. PERCY. I am delighted to yield.

Mr. JAVITS. I value the Senator's opinion highly, and he comes from a very big city. Does the Senator feel now that this summer program has been articulated enough so that he would have confidence in the fact that it would be well and honestly administered, and that the maximum benefit would go to the consumer, as it were?

The Senator is always given, I know, to digging into these things personally. What is the Senator's feeling about the way this program is run in Chicago?

Mr. PERCY. The distinguished Senator has asked me to certify as to the efficiency and effectiveness of the Democratic organization in the city of Chicago, I suppose.

Mr. JAVITS. Not certify, but just to give a kind of general feeling as to how he feels about it.

Mr. PERCY. I feel that the need is so urgent that the 8,846 jobs which I understand would be available for the city of Chicago—a city of 3½ million—could be effectively used. There is broad citizen participation now in this type of program. Jobs would be equitably spread throughout the city. It would not be just a racial program. It would go to the unemployed white, also.

I will be in Chicago tomorrow, on both the South Side and the North Side, with the Puerto Ricans as well as some of our black youth, to personally see, once again, what the situation is now. As of the last time I visited, a few weeks ago, a program of this type could have been used. I wish it had been in effect earlier than this, but I think it would be better to do it now rather than wait and take the chance that we are not going to have adequate funds.

Even though the funds for this program are the same as last year, with the increasing population, and the increasing number of young people relative to the population, we are stepping backward if we do not increase funds when we should be putting higher priority on this type of program.

Yes, I believe it could be effectively used in the city of Chicago.

Mr. JAVITS. I am trying to draw on the Senator's particular expertise. The genius of the Senate is that we do have men and women of particular knowledge. The Senator has been a very important business leader; and part of the effort to deal with summer jobs is going to depend upon business—the National Alliance of Businessmen, for example. It is hoped that it will do much better this year than it did last year.

The question I ask the Senator, as a business leader, is this: Would the Senator, as such a leader, be encouraged to do more or less if we indicated our sympathy for expanding the program by doing somewhat more? Some might argue that if the Government does somewhat more, business will do less. I would like the Senator's view on that, as a business leader.

Mr. PERCY. I think the inclination would be for business to do more. I do not believe that any businessman would feel this is the kind of thing that should be done entirely in the public sector. He has a great responsibility, and there is a sense of public conscience on the part of the businessman.

I feel so deeply about this matter that I felt we should not just leave it to the public sector or just to the business community to provide jobs. I felt that in my own office we should do more. It is a very small office, with approximately 35 people. But we have just had report on board seven students we have selected who I feel are eminently qualified. They need employment; they will benefit tremendously by an intern program. I feel so strongly about it that I am underwriting the cost personally, because I do not have an adequate Senate allowance for it.

I believe this is the kind of thing we should all be doing. The business com-

munity should do its share, but we should do the proportionate share that should come from the public sector; because many public areas in our cities need help. Additional boys can be used for playground supervision. Additional volunteers can be used in hospitals. There are all sorts of areas where young people can be put to work and gain a skill.

I mentioned the other day, with respect to my own experience in summer employment, that I cannot think of anything that contributed more to my own sense of responsibility and knowledge. One can see how these young people feel at the end of a summer of idleness. Many of them are eager to get back to school. The kind of trouble young people get into really comes through the heat of the summer, from being out on the street, and from idleness when they are looking for things to do.

We should find constructive things for those minds and hearts and hands to engage in, rather than nonconstructice work as a diversion from the type of activity that may cost far more in the end than this modest investment in the future of young people.

Mr. JAVITS. I am grateful to the Senator for his assistance and support with respect to this amendment.

Mr. President, I yield the floor momentarily.

The PRESIDING OFFICER (Mr. BURDICK in the chair). What is the will of the Senate?

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 4 on the Executive Calendar, broadcasting agreements with Mexico.

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

RADIO BROADCASTING AGREEMENTS WITH MEXICO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in Committee of the Whole, proceed to the consideration of Calendar No. 4 on the Executive Calendar (Ex. B, 91st Cong., 1st sess.).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the agreements (Ex. B, 91st Cong., 1st sess.), agreements between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcasting band, which were read the second time as follows:

PART 1: PURPOSE AND SCOPE

Article I

Purpose

2. A. Each Contracting Party recognizes that the sovereign right of the other to use any of the channels in the standard broadcasting band is subject to the provisions of the International Telecommunication Convention and other applicable international agreements. The Parties further recognize that, in the absence of technical resources permitting the elimination of objectionable interference of an international character, agreement between them is necessary in order that the operations of their respective broadcasting stations may conform to technical standards acceptable to both.

3. B. In exercise of their sovereign rights, the United States of America and the United Mexican States have previously concluded agreements under which the establishment of their respective installations and the development of their services in the standard broadcasting band have been possible. Both Contracting Parties agree that any installations and services they may mutually agree upon at the time this Agreement is concluded and any that may be accepted in the future under the procedure established in this Agreement, shall be the subject of appropriate protection in accordance with the provisions of this Agreement.

4. C. Both Parties declare that the equitable and effective use of the standard broadcasting band and the protection of the mutually accepted installations and services are primary objectives of their governments and that to this end they seek to obtain the best coordination of the various technical elements involved in the development of such installations and services.

5. D. For the purpose of attaining these objectives, both Contracting Parties subscribe to this Agreement which contains the provisions that are to govern relations between the United States of America and the United Mexican States for the use of the standard broadcasting band, and they agree to take such action as may be necessary to ensure the observance of those provisions by private and other operating agencies recognized and authorized by them to establish and operate broadcasting stations in their respective territories in Region 2, as defined in the Radio Regulations (Geneva, 1959) of the International Telecommunication Union.

Article II

Scope

6. The following Annexes complete and constitute an integral part of this Agreement:

Annex I: Table of Clear Channel Priorities.

Annex II: Special Use of Clear Channels.

Annex III: Table of Shared Clear Channel Priorities.

Annex IV: Class IV Stations (Increase in power within the border zone).

Annex V: Specific Cases (Other than the special cases contained in Annex II).

Annex VI: Summary of Protected Signals and Interfering Signals on the Same Channel.

Annex VII: Summary of Protected Signals and Interfering Signals Between Adjacent Channels 10 kHz and 20 kHz Apart.

Annex VIII: Angle of Departure as a Function of Transmission Range.

Annex IX: Example of Computation of Skywave Signal Strength.

Annex X: Skywave Curves 10% and 50% of the Time.

Annex XI: Groundwave Field Strength Curves as a Function of Distance.

Annex XII: Characteristic Fields of Vertical Antennas.

Annex XIII: Kirke Method (equivalent distance) for Computation of Groundwave Field Strength.

Annex XIV: Maps of Estimated Effective Ground Conductivity.

Annex XV: Vertical Plane Radiation Characteristics of Omnidirectional Vertical Antennas.

Annex XVI: Joint Consultative Broadcasting Committee.

PART 2: DEFINITIONS, TERMINOLOGY, AND SYMBOLS

Article III

Definitions and Terminology

7. The terms and expressions used in the present Agreement which are not defined in this Part, are either defined in Article 1 of the Radio Regulations (Geneva, 1959) of the International Telecommunication Union and are used herein pursuant to such definitions, or are widely used and commonly accepted and are employed in this Agreement with their usual meanings.

8. Broadcasting in the Standard Band: A sound broadcasting service in that portion of the hectometric wave (medium frequency) band between 535 and 1605 kHz. The emissions in this service are intended for direct reception by the general public.

9. Station: A broadcasting station which operates in the standard broadcasting band.

10. Broadcasting Channel: A channel frequency band for a station with the carrier frequency at the center.

11. Clear Channel: A channel designated for the operation of Class I–A and Class II stations only.

12. Shared Clear Channel: A channel designated for the operation of Class I–A and Class II stations only.

13. Regional Clear Channel: A channel designated for the operation of Class III stations only.

14. Local Channel: A channel designated for the operation of Class IV stations only.

15. Class I Station: A station which operates on a clear channel or on a shared clear channel and is intended to render primary and secondary service over extensive areas and at relatively long distances. According to the extent of the areas to be protected, Class I stations are sub-categorized as Class I–A and Class I–B stations.

16. Class I–A Station: A Class I station that operates on a clear channel and has primary and secondary service areas protected by other stations on the same channel in accordance with the arrangements set forth in Part 5 in Annexes I and II. The protection of its primary service area by other stations on adjacent channels is determined in accordance with the provisions of this Agreement.

17. Class I–B Station: A Class I station which operates on a shared clear channel and has a primary service area which is protected by other stations on the same and on adjacent channels, and a secondary service area which is protected by stations on the same channel in accordance with the provisions of this Agreement.

18. Class II Station: A station operating on a clear channel or on a shared clear channel and intended to provide primary service to an area which, depending on the geographic location and the power utilized by the station, may be relatively extensive, but is limited by and subject to interference from existing Class I and Class II stations. Under the provisions of this Agreement, its primary service area is afforded protection assigned on the same and on adjacent channels, and from modifications in the operating characteristics of existing stations on the same and on adjacent channels, with the exception of Class I–A stations on the same channel.

19. Class III Station: A station which operates on a regional channel and is intended to provide service principally to one or several important centers of population and to the rural area contiguous thereto. The service area is determined by application of the provisions of this Agreement.

20. Class IV Station: A station which operates on a local channel and is intended to

provide service principally to one city or town and to the suburban areas contiguous thereto. The service area is determined by application of the provisions of this Agreement.

21. Radiated Field Strength: The strength of the field, corrected for absorption, produced by a station in a specific direction at a distance of 1 mile (1609 meters) from its antenna.

22. Power: The power of a station is the unmodulated power supplied to the antenna system and is determined in accordance with the method described in Part 4, Article IX, Section A.

23. Protected Signal: The signal determined by the value of the normally protected contour, or the signal appearing on a reduced contour at the point where protection of such signal is to be determined.

24. Protection Ratio: The ratio of the protected signal to the maximum permissible interfering signal.

25. Necessary Bandwidth: The minimum value of the occupied bandwidth sufficient to ensure the transmission of information of the required quality.

26. Bandwidth: Commonly used expression to designate the "necessary bandwith".

27. Groundwave: A wave which is propagated along or close to the surface of the earth.

28. Skywave (reflected wave): A wave which is reflected by the ionosphere.

29. Skywave (reflected wave) signal, 10% of the time: The value of a skywave signal which is not exceeded for more than 10% of period of observation.

30. Skywave (reflected wave) signal, 50% of the time: The value of a skywave signal which is not exceeded for more than 50% of the period of observation.

31. Characteristic Field: The field strength, corrected for absorption, of a groundwave signal radiated by a station when the power fed into an omnidirectional antenna is 1 kW and the reference distance is 1 mile (1609 meters).

32. Antenna Performance: Replaced by the term "characteristic field".

33. Primary Service Area: The area in which the groundwave is not subject to objectionable interference.

34. Secondary Service Area: The area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in field strength.

35. Normally Protected Contour: The continuous line joining points where the field intensity has a value which determines the areas of primary or secondary service in the absence of interfering signals.

36. Reduced Protected Contour: A contour which results from the action of one or more interfering signals of higher value than the maximum permissible within the normally protected contour.

37. Maximum Permissible Interfering Signal: The maximum permissible value for an undesired signal determined at any point on the normally protected contour or on the reduced contour, as the case may be, and which maintains a ratio with the desired signal prescribed in this Agreement.

38. Objectionable Interference: Objectionable interference is that caused by a signal which exceeds the maximum permissible at the normally protected contour or the reduced contour, as the case may be, under the terms of this Agreement.

39. Daytime Operation: Daytime Operation means operation between the times of local sunrise and local sunset.

40. Nighttime Operation: Nighttime operation means operation between the times of local sunset and local sunrise.

Article IV

Symbols

41. The symbols to be used in this Agreement will have the following meanings:

English text	Spanish text	Definition
Hz	Hz	Hertz (c/s).
kHz	kHz	Kilohertz (kc/s).
W	W	Watt.
kW	kW	Kilowatt.
mV/m	mV/m	Millivolts/meter.
uV/m	uV/m	Microvolts/meter.
U	C	Unlimited time (day and night).
D	D	Daytime operation.
N	N	Nighttime operation.
ND	ND	Omnidirectional or nondirectional antenna.
DA	AD	Directional antenna.
DA-1	AD-1	Directional antenna: the digit indicates the same pattern, but not necessarily the same power, day and night.
DA-2	AD-2	Directional antenna: the digit indicates different patterns day and night, with either the same or different power day and night.
DA-N	AD-N	Directional antenna: the "N" indicates directional antenna used for nighttime operation only, omnidirectional day.
DA-D	AD-D	Directional antenna: the "D" indicates directional antenna used for daytime operation only.
S	S	Shared hours of operation with other cochannel broadcasting stations, when used in connection with the operating hours of a broadcasting station.
SH	HE	Specified hours of operation.
PO	OP	Present operation.
MEOV	VMOP	Maximum expected operating value.
Vide	Vease	See assignment on.
#	#	Even though the estimated (resulting) characteristic field would be (is) higher than the one specified, the specified field is maintained by adjustment of the actual input power to the antenna.
PN	NP	Previously notified but not implemented.

PART 3: GENERAL TECHNICAL PRINCIPLES

Article V

Characteristics of Emissions

42A. Class of Emission: A3.

43B. Assigned Frequency Band: 10 kHz (5 kHz band on each side of the carrier).

44C. Separation Between Channels: The 107 channels in the standard band shall be separated 10 kHz from each other. 540 kHz shall be the first and 1600 kHz the last.

45D. Frequency Tolerance: 20 Hz on either side of the assigned frequency. Nevertheless, both Contracting Parties recognize the desirability of implementing the tolerance of 10 Hz, in accordance with the Radio Regulations (Geneva, 1959) of the International Telecommunication Union.

46E. Determination of Power: Power is determined at the input to the tower or towers in the radiating system.

47F. Spurious Emissions: When the existence of an objectionable spurious emission has been demonstrated, the Contracting Party responsible for the station producing such emission shall take appropriate measures to eliminate it or reduce it to a level where it ceases to be objectionable.

48G. Modulation: The percentage of modulation must be maintained at such a level that objectionable spurious emissions will not be produced.

Article VI

Identification, Distribution, and Use of Channels

A. *Identification and Distribution of Channels.*

49. 1. *Identification:* The 107 channels of the standard band are identified by their carrier frequencies.

50. 2. *Distribution:* The channels are divided into four types as follows:

51. (a) Clear channels: 540, 640, 650, 660, 670, 700, 720, 730, 740, 750, 760, 770, 780, 800, 820, 830, 840, 860, 870, 880, 890, 900, 990, 1010, 1020, 1030, 1040, 1050, 1100, 1120, 1160, 1180, 1200, 1210, 1220, 1570 and 1580 kHz.

52. (b) Shared clear channels: 680, 690, 710, 810, 850, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540, 1550 and 1560 kHz.

53. (c) Regional channels: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590 and 1600 kHz.

54. (d) Local channels: 1230, 1240, 1340, 1400, 1450 and 1490 kHz.

55. B. *Use of Channels:* The various types of channels shall be used in the manner specified below (the operating characteristics are indicated in Articles VIII and IX).

56. 1. Clear channels:

Class I–A and Class II stations shall operate on clear channels. Class II stations shall be subject to the limitations resulting from the engineering standards or from the special arrangements set forth in this Agreement.

57. 2. Shared clear channels:

Class I–B and Class II stations shall operate on shared clear channels. Class II stations shall be subject to the limitations resulting from the engineering standards or from the special arrangements set forth in this Agreement.

58. 3. Regional channels:

Only Class III stations shall operate on regional channels.

59. 4. Local channels:

Only Class IV stations shall operate on local channels.

Article VII

Classification of Stations

60. A. Stations are classified as follows:

61. Class I Stations: Stations assigned to operate on clear channels or shared clear channels. They are sub-categorized as:

1. Class I–A Stations.

2. Class I–B Stations.

62. Class II Stations: Stations assigned to operate on clear channels or on shared clear channels.

63. Class III Stations: Stations assigned to operate on regional channels.

64. Class IV Stations: Stations assigned to operate on local channels.

65. B. The definition of each class of station is given in Part 2; operating power for each class is prescribed in Article IX; the protection ratio and the protected contour, which determine the service areas, in Article VIII.

Article VIII

Protection and Interference

A. *Service Areas not Subject to Protection.*

66. No station need be protected from objectionable interference at any point outside of the boundaries of the country in which the station is located, except as may be provided elsewhere in this Agreement.

B. *Normally Protected Contour.*

67. The contours for each class of station which are to be protected by other stations on the same channel shall have the values set forth below:

1. *Class I–A Stations:*

68. (a) *Daytime operation:*

Value not defined since the protection is established by the limits on the intensity of the permissible signal, which has a specified value at any point on the geographic boundary of the country having the priority on the respective clear channel (see Article XIV, Section A, Part 2).

69. (b) *Nighttime operation:*

Value not defined since the secondary use of clear channels is limited to the assignments agreed upon by both Parties (see Article XIII, Section B) with the conditions of operations established in Annex II of this Agreement.

2. *Class I–B Stations:*

70. (a) Daytime: 100 uV/m, groundwave.

71. (b) Nighttime: 500 uV/m, skywave, 50% of the time.

3. *Class II Stations:*

72. (a) Daytime: 500 uV/m, groundwave.

73. (b) Nighttime: 2500 uV/m, groundwave.

74. The contours indicated are those which must be protected by other Class II stations.

4. *Class III Stations:*

75. (a) Daytime: 500 uV/m, groundwave.

76. (b) Nighttime: 2500 uV/m, groundwave.

5. *Class IV Stations:*

77. Daytime: 500 uV/m, groundwave.

C. *Protection Ratios.*

1. *On the same channel* (groundwave and skywave).

78. The ratio of the protected signal to the maximum permissible interfering signal is 20 to 1, subject to the following terms and conditions:

79. (a) No protection ratio shall apply to Class I–A stations (see Part 5).

80. (b) The protected signal is specified in Section B of this Article.

The interfering signal to be considered is:

81. (1) Groundwave in the case of daytime service.

82. (2) Skywave, 10% of the time, in the case of nighttime service.

2. *On adjacent channels:*

(a) Groundwave:

83. The protected signal for daytime and nighttime operation shall be 500 uV/m, groundwave and its ratio to the interfering groundwave signal shall be as follows:

Separation between channels:	*Protection ratios*
10 kHz	2 to 1.
20 kHz	1 to 30.

(b) Skywave:

84. No interference between stations on adjacent channels resulting from skywave transmission of an interfering signal will be considered.

D. *Maximum permissible interfering signal on the same channel.*

85. The following values are derived by dividing the values specified for the normally protected contours of each class of station in Section B of this Article by the protection ratio set forth in Section C, paragraph 1 of this Article:

Class of station	Day groundwave	Night skywave, 10 percent of the time
I–A	None (see this article, sec. B, par. 1 and pt. 5).	
I–B	5uV/m	25 uV/m.
II	25uV/m	125 uV/m.
III	25 uV/m	125 uV/m.
IV	25 uV/m	200 uV/m.

E. *Protection of Reduced Contour.*

86. When a reduction in the service area of a Class II or Class III station or in the daytime service area of a Class IV station has resulted from the acceptance at its normally protected contour of one or more interfering signals having values higher than that specified as the maximum permissible interfering signal, at the normally protected contour, a line describing the limit of the interference-free service area in the sector where the reduction in service occurs becomes the contour to be protected in that sector by a new signal.

F. *Objectionable interference at the Normally protected Contour or the Reduced protected Contour.*

1. *On the same channel.*

87. Objectionable interference shall be considered to exist or is to be expected when an undesired signal is stronger than:

88. (a) The maximum permissible interfering signal specified in Section D of this Article, if it is at the normal contour.

89. (b) The value resulting from the application of the method of calculation specified in Article XII if it is at the reduced contour.

2. *On an adjacent channel.*

90. Objectionable interference shall be considered to exist or is to be expected when an undesired signal is stronger than that resulting from the application of the protection ratios established in Section C paragraph 2 of this Article.

91. The procedure for the computation of objectionable interference and the degree thereof is set forth in Article XI.

PART 4: OPERATION AND COMPUTATION PROCEDURES

Article IX

Characteristics of Operation

A. *Calculation of power.*

92. The operating power of a station is the product of the square of the current at the point of input to the antenna and the resistance at that point. In the case of a directional antenna, the input point is the distribution point to the system.

B. *Power of the different classes of stations.*

93. *Except for specific cases to the contrary set forth in this agreement, the limits of permissible power of the different classes of stations are as follows:*

94. 1. Class I–A stations: 50 kW or more.

95. 2. Class I–B stations: from 10 to 50 kW.

96. 3. Class II stations: from 0.100 to 50 kW.

97. 4. Class III stations: from 0.100 to 25 kW.

However, in an area within 62 miles (100 km) of the common border, power in excess of 5 kW may not be used.

98. 5. Class IV stations:

Stations located 93 miles (150 km) or more from the common border: No greater than 1 kW day or 0.5 kW night.

Stations located at less than 93 miles (150 km) from the common border: No greater than 1 kW day of 0.250 kW night.

In all cases, the minimum power shall be 0.100 kW.

99. Powers for Class III and Class IV stations, other than those specified above, may be established by agreement between the Contracting Parties, subject to the provisions contained in other applicable international Agreements.

C. *Determination of characteristic field.*

100. The characteristic field will be determined using the curves in Annex XII. If, by application of the procedures set forth in Article XX, both Contracting Parties should agree to adopt standards for the measurement of field strength, the characteristic field may be determined by measurements following the procedure that may be adopted.

D. *Determination of the times of sunrise and sunset.*

101. 1. The times of sunrise and sunset on the 15th day of a calendar month, or the average time of sunrise and the average time of sunset for that month, adjusted, in either case, to the nearest quarter hour shall be considered the times of sunrise and sunset applying for all the days of that month.

102. Either Contracting Party may determine and apply the times of sunrise and sunset under the procedure set forth above, either at the locations of individual stations, or at the center of geographical areas designated by that Party. In the latter case, the times established for each area will apply to all of the stations in that area.

103. 2. As an exception to the operating times as determined in sub-paragraph 1 above, the Contracting Parties agree that limited operation before local sunrise or after local sunset with daytime facilities may be permitted subject to such terms and conditions as may be agreed upon between the Parties.

Article X

Determination of Radiated Field Strength Values

A. From an Omnidirectional Antenna.

1. *For groundwave.*

104. The value obtained by multiplying the characteristic field of the transmitting antenna by the square root of the power input to the antenna in kilowatts.

2. *For skywave.*

105. The value obtained by following the procedure outlined above, corrected in accordance with the vertical plane radiation characteristic of the antenna at the corresponding angle of departure determined from Annex VIII. The vertical plane radiation characteristic will be determined from the curves in Annex XV.

B. *From a Directional Antenna.*

1. *For groundwave.*

106. The value obtained from the horizontal plane radiation pattern of the antenna in the direction at which the strength of the received signal is to be determined.

2. *For skywave.*

107. The value obtained from the vertical plane radiation pattern in the direction at which the strength of the received signal is to be determined, at an angle of departure determined from Annex VIII.

Article XI

Computation of the Field Strength of a Received Signal

108. For computation of the field strength of a desired or undesired signal, as the case may be, the following procedures will be applied:

A. *Groundwave.*

109. 1. The chart in Annex XI, corresponding to the frequency of transmission is selected, and the curve from that chart is used corresponding to the conductivity of the path between the station and the point at which the field strength is to be determined. The field strength read from the curve for the distance from the station to the point at which the field strength is to be determined is that which would be produced by a station with a radiated field strength of 100 mV/m in the horizontal plane in the direction of the point under consideration. The value so determined is multiplied by the ratio of the radiated field strength of the station to 100 mV/m to obtain the field strength of the received signal.

110. 2. When several values of conductivity are presumed to occur along a propagation path, the "Kirke" or "Equivalent Distance" method of computation shall be used in computing the distance to a specified field strength contour, in conjunction with the charts in Annex XI. The Kirke method is described in Annex XIII.

B. *Skywave.*

111. Annex X is a chart containing curves which indicate the skywave field strength produced at various distances from a station with a radiated field strength of 100 mV/m. The 50% of the time curve is utilized for determining the field strength of a desired signal, the 10% of the time curve is used for determining the field strength of an undesired signal. The value read from the curve at the distance to the point at which the field strength is to be determined is multiplied by the ratio of the radiated field strength of the station to 100 mV/m to obtain the field strength of the received signal.

Article XII

Calculation and Protection of the Reduced Contour

A. *Reduced contour to be protected.*

112. The reduced contour to be protected, defined generally in Part 2, is the line joining all points within the normally protected contour where the ratio of the protected signal to an interfering signal from an existing co-channel station is 20 to 1.

B. *Computation of reduced contour.*

1. For daytime primary service of Class II, Class III and Class IV stations:

113. The reduced contour is drawn through all points where a ratio of 20 to 1 from the protected signal to the interfering signal is met.

2. For nighttime primary service of Class II and Class III stations:

114. The reduced contour will be considered to be a closed contour of uniform value, which encircles the station and has a value

which may be determined by multiplying by 20 the value of the strongest interfering signal from an existing co-channel station as computed at the site of the protected station.

C. *Protection of reduced contour.*

115. At any point on or within the reduced contour, the strength of a new interfering signal from a co-channel station cannot exceed 70% of the value of the maximum existing interfering signal at that point, or one twentieth of the value of the normally protected contour, whichever is higher.

PART 5: PRIORITY AND USE OF CLEAR CHANNELS

Article XIII

Priority

116. A. Each of the Contracting Parties hereby recognizes the clear channel priorities of the other, as set forth in Annex I to this Agreement.

117. B. Neither Contracting Party shall make any nighttime assignment on clear channels upon which the other Party has priority under this Agreement, except as provided in Annex II.

Article XIV

Use of clear channels

118. A. Daytime Class II assignments by either Contracting Party on clear channels upon which the other Party has priority will be subject to the following conditions:

1. Permissible Hours of Operation:

119. Sunrise to sunset at the location of the Class II station. Exceptions to these hours of operation may be permitted in accordance with Article IX, Section D, paragraph 2.

2. Permissible Signal Intensity at the Boundary of the Country Which Has the Priority on the Clear Channel Involved:

120. Not more than 5 nV/m groundwave (exceptions are set forth in Annex II).

3. Permissible Power:

121. The permissible power will be 50 kW (exceptions are set forth in Annex II).

122. B. It is recognized and agreed by the Contracting Parties that the secondary use of clear channels permitted under the terms of this Agreement imposes no obligation on the Party having the clear channel priority to protect such secondary use, and that the Party having the clear channel priority retains full freedom to make such use of the clear channel upon which it has priority as it deems necessary to meet its domestic service needs.

PART 6: NOTIFICATION AND OFFICIAL LIST OF ASSIGNMENTS

Article XV

Notification

A. *Procedure.*

1. *General.*

123. (a) From the date of entry into force of the Agreement and throughout the period in which it shall remain in effect, any notification made by either Contracting Party shall be in accordance with the procedure set forth in this Article, and on the basis of the provisions contained in Section A of Article XVI. Such notifications shall be made for all new assignments and all deletions or modifications of existing assignments.

124. (b) To be valid, each such notification must be such that the new station, modification, or deletion proposed therein is in accordance with this Agreement.

125. (c) No notification containing Basic Information is required for assignments agreed upon and listed in the Annexes to this Agreement. Regarding the sending of Supplementary Information, as well as compliance with the other applicable procedural provisions, it will be considered that the other Contracting Party has received the notification of the Basic Information upon the date of entry into force of this Agreement.

126. (d) Except as may otherwise be specifically provided in this Agreement, changes in power, antenna characteristics, or location of an existing station may be made at any time, provided that such changes shall be notified in accordance with paragraphs (a) and (b) above. Stations making such changes are not required to afford greater protection to existing stations than that previously accepted.

127. (e) Each Contracting Party may, within forty-five days following the date of receipt of a notification, advise the Party making the notification of any objection it may have thereto under the terms of this Agreement.

128. (f) If the Supplementary Information required under paragraphs 2 and 3 of this Section does not accompany the Basic Information, and such Supplementary Information is received within the period specified in sub-paragraphs (b) of said paragraphs, the period during which objection may be made shall be extended to thirty days after the date of receipt of such Supplementary Information.

129. (g) Failure of the Contracting Party receiving a notification to object thereto within the period specified above shall be deemed to be an acceptance by that Party of such notification.

130. (h) The date of priority of a notification shall be determined by the date of receipt by the Notification-Exchange Agency specified under Section A of Article XVI of the Basic Information constituting the notification, provided the Supplementary Information with respect to such notification is also submitted within the periods provided in sub-paragraphs (b) of paragraphs 2 and 3 of this Section. If there is a conflict between two or more notifications, priority in the date of receipt thereof by the designated Notification-Exchange Agency shall govern.

2. *New assignments.*

(a) Basic Information.

131. In making any notification of a new assignment, the respective Contracting Party shall provide the following Basic Information which is essential to constitute a notification:

Frequency.
Class of station.
Location (city and state).
Power.
Time of operation.
Type of antenna (ND, DA–1, DA–2, DA–N, or DA–D).
Date of expected comencement of operation.

(b) Supplementary Information.

132. The Basic Information should be accompanied by the following Supplementary Information:

133. (1) For omnidirectional antennas:

Call sign.
Geographic location of the antenna, in degrees and minutes of latitude and longitude.
Electrical and physical dimensions (including those of the ground system).
Characteristic field (where the configuration and dimensions of the antenna and ground system are such that the characteristic field can not be predicted with the use of Annex XII, the estimated value of the characteristic field will be notified and full details as to the design and dimensions of the radiation system will be furnished, including a drawing if necessary).

134. (2) For directional antenna systems:

Call sign.
Geographic location of the midpoint of the antenna system, in degrees and minutes of latitude and longitude.
Electrical and physical dimensions (including those of the ground system).
Horizontal radiation pattern for daytime operation.
Horizontal and vertical radiation patterns for nighttime operation (the vertical paterns to be supplied only for directions in which protection is required for stations in the other country).

135. If the Supplementary Information is not provided at the same time as the Basic Information, it shall be submitted as soon thereafter as possible, but, in any event, not more than ninety days thereafter in the case of omnidirectional antennas or more than six months thereafter in the case of directional antennas.

3. *Modifications.*

(a) Basic Information.

136. In making any notification of a change in the assignment of existing station, the respective Contracting Party shall provide the following Basic Information which is essential to constitute a notification:

Nature of the change.
Date the change is expected to be put into effect.
Any revision of the Basic Information previously supplied.

(b) Supplementary Information.

137. The Basic Information should be accompanied by such revision of the Supplementary Information previously provided as may be necessary to make it conform to the change.

138. If such Supplementary Information is not provided at the same time as the Basic Information, it shall be submitted as soon thereafter as possible, but, in any event, not more than ninety days thereafter in the case of omnidirectional antennas or more than six months thereafter in the case of directional antennas.

4. *Deletions.*

139. A notification of the deletion of an existing assignment shall consist of sufficient information to identify the assignment deleted, including:

Frequency.
Call sign.
Location (city and state).
Power.
Effective date or anticipated date of cessation of operation.

5. *Dates of commencement of operation or cessation of operation.*

140. Each Contracting Party shall notify the date a station commences service, ceases operation, or puts a change into effect. Such notification shall be made within sixty days following such date.

B. *Transfer and Loss of Priorities.*

1. *Transfer of priorities.*

141. Any notification of a deletion of an existing assignment shall be deemed to be an abandonment by the notifying Contracting Party of any rights it may have with respect to such assignment, unless it simultaneously notifies a new station on the same frequency which would be, in effect, a substitution for the deleted assignment. Such Party will retain, on behalf of the substituted assignment, the obligations and rights of the deleted assignment, including the priority, provided, however, that the substituted assignment does not result in interference to existing stations in the other country in excess of that previously caused by the station whose assignment is deleted.

2. *Loss of priorities.*

(a) For change of frequency.

142. Except as provided in paragraph 1 of this Section, any notification of a change in an existing assignment that involves a change of frequency is, in effect, a deletion of the previous assignment, and will constitute the simultaneous notification of a new assignment, which notification will be given the priority corresponding to the notification of a new assignment.

(b) For not providing the Supplementary Information.

143. (1) An assignment which is included in the Annexes to this Agreement shall cease to have any effect if the Supplementary Information required by sub-paragraphs (b) of paragraphs 2 and 3 of Section A of this Article, as the case may be, is not furnished within the respective time period specified in such sub-paragraphs. The time periods mentioned should be counted from the date this

Agreement enters into force, in conformity with sub-paragraph (c) of paragraph 1 of Section A of this Article.

144. (2) Any other notification of a new or modified assignment shall cease to have any effect if the Supplementary Information required in paragraph 2 or in paragraph 3 of Section A of this Article, as the case may be, is not furnished within the respective time periods established in said paragraphs, beginning:

145. (i) On the date this Agreement enters into force if it was notified during the period between March 10, 1967, and the date on which this Agreement enters into force; or

146. (ii) On the date of notification of the Basic Information, if it was notified after the entry into force of this Agreement.

147. In exceptional cases, the time periods established in subparagraphs (b) of paragraphs 2 and 3 of Section A of this Article may be extended for a like period of time by a Contracting Party upon notice to the other Party, if the notice refers to assignments covered in said paragraphs or to assignments covered in sub-paragraph (c) of paragraph 1 of Section A of this Article. The notification submitted shall cease to have any effect if the Supplementary Information is not furnished before the end of one such extension of time.

(c) For not initiating the operation or not putting the change into effect.

148. Any notification, including those listed in the Annexes to this Agreement, with respect to which there has been furnished the Basic and Supplementary Information in the form and within the periods specified in this Agreement, shall cease to have any effect if, within two years after the date the Supplementary Information has been received, the station concerned has not actually begun to operate or has not put the change into effect. In special cases, arising from unusual circumstances, the effect of such notification may be extended for successive periods of six months, upon notice to the other Contracting Party within the effective period of the notification in question. Such notice must include detailed reasons to justify such extension.

149. (d) The provisions of sub-paragraphs (b) and (c) of this paragraph shall not be applicable to those assignments covered by special arrangements between the Parties, which are set forth in the appropriate Annexes to this Agreement.

Article XVI

Official List of Assignments

A. *Notification-Exchange Agency.*

150. 1. All notifications of new assignments, deletions, and changes in existing assignments, as well as objections to such assignments and other communications made according to Article XV of this Part shall be delivered by each Contracting Party through the entity which may be designated by the countries of the North American Region. Such entity will be the Notification-Exchange Agency for performance of the notification-exchange function subject to concurrence between the Contracting Parties effected by an exchange of written notices.

151. 2. Pending designation of an entity by the countries of the North American Region to perform the notification-exchange function, or, if after designation of such entity, it should temporarily or permanently fail to perform the notification-exchange function, such function shall be effected directly between the Contracting Parties until the designated entity performs its function.

B. *Recognition of accepted assignments.*

152. All assignments accepted before the date this Agreement enters into force shall continue to be accepted. All notifications inconsistent with the assignments set forth in the Annexes to this Agreement, or otherwise inconsistent with the terms of this Agreement, are hereby withdrawn, and such action will be confirmed through the notification procedure after entry into force of this Agreement.

C. *Establishment and Revision of the Official List of Assignments.*

1. *Establishment of the Official List.*

153. (a) For the purpose of establishing an Official List of Assignments, each Contracting Party will prepare and present to the other Party a list of its assignments as soon as possible, but, in any event, not later than 9 months after entry into force of this agreement. Said lists will contain the following information with respect to each assignment:

(1) Name of the country.
(2) Frequency.
(3) Call sign (if assigned).
(4) Location (city and state).
(5) Power.
(6) Type of antenna (ND, DA–1, DA–2, DA–N, DA–D).
(7) Time of operation.
(8) Class of station.
(9) Whether or not the assignment is in operation as notified.

154. With respect to (9) the following annotations will be used:

155. (i) "(under construction)": this indicates a new station which has not been notified as in operation.

156. (ii) "(P.O.: ——)": this is for the purpose of indicating the present characteristics of an existing assignment modified by a subsequent notification, whose operation with the new characteristics has not been notified. Where a change in frequency is involved, the listing of the assignment under the new frequency will have the annotation "(P.O.: ——— kHz)" and the listing under the existing frequency will have the annotation "(Vide ——— kHz)" showing the frequency of the proposed operation.

157. (iii) "(P.N.: ———, N.L. #—)": this is for the purpose of indicating the characteristics of a previously notified assignment when it is modified by notification of changed characteristics before the notification of the date of commencement of operation of the previous assignment.

158. (b) The lists to be exchanged in accordance with paragraph 1, sub-paragraph (a) of this Section will include every assignment starting with the information contained in the Appendix attached to the Recommendations of the North American Regional Broadcasting Engineering Meeting, January 30, 1941, as modified by subsequent notifications up to and including those set forth in the last Notification List of both Parties sent on or before the day preceding the date of entry into force of this Agreement, and as modified by the provisions of the Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band, Mexico, D.F., January 29, 1957, and as further modified by the assignments contained in Annexes to this Agreement. Those notified assignments which have not been accepted will be marked with the appropriate notation, such as "objection", "reservation", "being processed", etc., and they will be treated in accordance with the procedure contained in this Agreement.

159. (c) Each Contracting Party will transmit its comments to the other no later than six months after both Parties have received the respective lists. Such comments may include any questions either Party has with respect to any assignments included in the list of the other Party. Any questions which may arise with respect to either the assignments listed or with respect to their operating characteristics will be resolved by reference to the information used in preparation of the list as set forth in paragraph 1, sub-paragraph (b) of this Section, or by consultation.

160. (d) When both Parties have agreed upon the assignments which should be contained in each list, both lists will be adopted officially and will constitute the Official List of Assignments of both Parties. Such adoption will be made by an exchange of letters between the respective communications Agencies of the two Parties. Immediately thereafter copies of such Lists will be forwarded by both Parties to the Notification-Exchange Agency for the purpose of being registered as the Official List of Assignments.

161. (e) If either Contracting Party has failed to supply all or a part of the Supplementary Information referred to in paragraphs 2 and 3 of Section A of Article XV concerning any assignment notified before the day prior to the date this agreement enters into force, such party will supply said Supplementary Information as soon as possible based upon the first edition of the Official List. To that effect, such Party will proceed in the following order:

162. (i) Particular assignments specified by the other Party in a list to be furnished after this Agreement enters into force.

163. (ii) Assignments within 62 miles (100 kms) of the common border.

164. (iii) Other assignments that, due to their nature, are capable of causing objectionable interference to assignments of the other Party.

165. (iv) The remaining assignments.

2. *Revision of the Official List.*

166. (a) After adoption of the Official List in accordance with paragraph 1, sub-paragraph (d) of this Section, the Contracting Parties will exchange yearly editions of the Official List through the Notification-Exchange Agency. Each edition of the List will consist of the original, or master, List of Assignments of both Parties, as modified by subsequent notifications of new assignments, and modification and deletion of existing assignments. The individual listings of assignments contained in the editions of the List shall be in accordance with paragraph 1, sub-paragraph (a) of this Section.

167. (b) Every six months, each Contracting Party will forward to the other Party a supplementary list containing notifications made during that six-month period. Such supplementary list will be forwarded within one month after the close of each six-month period.

PART 7: RATIFICATION, ENTRY INTO FORCE, DURATION, AND TERMINATION

Article XVII

Ratification

168. This Agreement shall be subject to ratification by both of the Contracting Parties in accordance with their respective constitutional procedures.

Article XVIII

Entry Into Force and Duration

A. *Entry Into Force.*

169. This Agreement, which replaces the Agreement of January 29, 1957, will enter into force on the date of exchange of instruments of ratification. The exchange of instruments of ratification shall be carried out in Washington, D.C.

B. *Duration.*

170. 1. This Agreement shall remain in force for a period of five years, unless, before the end of such period, it is terminated pursuant to Article XIX, or is replaced by a new agreement between the Contracting Parties.

171. 2. If not replaced by a new agreement, or if not terminated at the expiration of the aforesaid five-year period in accordance with Article XIX, this Agreement shall remain in force indefinitely thereafter until replaced by a new agreement between the Contracting Parties or until terminated in accordance with the provisions of Article XIX.

Article XIX

Termination

172. A. Either of the Contracting Parties may terminate this Agreement by a written

notice of termination to the other Party through diplomatic channels. The termination shall take effect one year after the date of receipt of such notice.

173. B. If either of the Contracting Parties considers that the other is acting or has acted in a manner incompatible with the provisions of this Agreement, consultations shall take place between the Parties concerning the matter. In the event that such consultations do not result in a solution of the problem to the satisfaction of both Parties, the complaining Party may proceed to terminate this Agreement. The termination shall take effect ninety days after the date of receipt of the written notice thereof.

Article XX

Revision

174. Changes in and additions to the technical standards, including the conductivity maps and the propagation curves, and in the notification procedure may be effected through diplomatic channels when such changes and additions, embodied in amendments or supplements to the appropriate Parts or Annexes, prepared jointly by designated officials of the two Contracting Parties, have been approved by the administrative agency or department of each Party having jurisdiction over broadcasting matters.

In Witness Whereof, the respective Plenipotentiaries have signed this Agreement.

Done at Mexico City, Distrito Federal, in duplicate, in the Spanish and English languages, each having equal authenticity, this 11th day of December, one thousand nine hundred sixty eight.

For the Government of the United States of America,

FULTON FREEMAN,
Ambassador Extraordinary and Plenipotentiary.

For the Government of the United Mexican States,

JOSE ANTONIO PADILLA SEGURA,
Secretary of Communications and Transportation.

Mr. MANSFIELD. Mr. President, the basic purpose of these related agreements is to minimize and control objectional interference by stations in one country to stations in the other.

The two treaties replace the 1957 agreement which took the committee 3 years to approve because of controversy over the prohibition on presunrise and postsunset operations by certain American daytime stations operating on Mexican clear channels.

The first of these agreements—on broadcasting—is an improved version of the old. It deals with channel assignments, power, directional antennas, classes of station, engineering standards, notification, and other technical matters. The second agreement—on presunrise-postsunset operations—removes the controversy from the old by permitting such operations.

The committee had a public hearing May 27 at which the Department of State and the Federal Communications Commission testified strongly in favor. A number of communications from the industry were received—all in favor of the agreements. Not a single objection was registered.

New agreements are needed since the old one and a protocol extending it expired December 31, 1967. There is no present treaty obligation between the United States and Mexico on this subject.

The new agreements will run for 5 years but continue in effect until replaced by a new one or unless a 1-year written notice of termination is submitted by one of the parties, so the present hiatus will not recur.

I ask the Senate to give its advice and consent to ratification of these agreements.

I ask unanimous consent to have inserted at this point in the RECORD portions of the committee report on this matter.

There being no objection, the excerpts from the committee report (Ex. Rept. No. 7) were ordered to be printed in the RECORD, as follows:

MAIN PURPOSE

These agreements concern the use of the standard broadcast band by the United States and Mexico.

The first agreement, referred to as the broadcasting agreement, governs this use by identifying and distributing channels, establishing classes of stations, prescribing technical standards, priorities, and procedures so as to minimize interference problems between the two countries. In general, it is very similar to the 1957 broadcasting agreement which it replaces.

The second agreement, referred to as the presunrise/postsunset agreement, permits daytime stations to operate for certain limited periods before sunrise and after sunset under regulations set forth in the agreement. This will allow for uniform sign-on and sign-off times for U.S. daytime stations operating on Mexican clear channels. This agreement is tied to the first one in that it can be effective only so long as the former remains in effect.

BACKGROUND

The pending two agreements replace an earlier agreement which was signed on January 29, 1957, entered into force on June 9, 1961, and expired on June 9, 1966. It was revived and continued in effect until December 31, 1967, by a protocol approved by the Senate on June 21, 1966. A second protocol which would have continued it in effect until December 31, 1968, was not acted on by the committee since final negotiations on the new agreements were in process.

The new agreements were signed on December 11, 1968, after more than 2 years of negotiations. While legally there has been no treaty obligation between the United States and Mexico since expiration of the first protocol, both countries have continued, according to the Department of State, "so far as administratively permissible, to conduct their broadcasting activities in *de facto* recognition of the provisions of the 1957 agreement."

The 1957 agreement took almost 3 years to obtain Senate approval because of opposition to a provision which prohibited presunrise and postsunset operations by daytime stations in the United States operating on Mexican clear channels. As already noted, the second of the new agreements relaxes this prohibition.

COMMITTEE ACTION AND RECOMMENDATION

On May 27, 1969, the Committee on Foreign Relations held a public hearing on the treaties and received the endorsements of the Department of State and the Federal Communications Commission. The record of the hearing is appended to this report together with those communications which the committee was specifically asked to include. In addition, the committee received many other communications from industry representatives, all of them supporting the agreements. Neither the committee nor the Department of State nor the Federal Communications Commission knows of any opposition to them. Moreover, throughout the negotiations the American delegation was assisted by representatives of the broadcasting industry.

Since the agreements are technical in nature the committee has necessarily relied on the testimony presented to it in recommending favorable action. The positive benefits flowing from the broadcasting agreement were summarized by former Ambassador James J. Wadsworth, Commissioner, Federal Communications Commission, as follows:

1. A number of class IV (local channel) stations located within 62 miles of the United States/Mexican border, have been precluded by the terms of the previous agreement from increasing daytime power, an opportunity afforded other stations in this class by Federal Communications Commission rules. The new agreement provides machinery under which power increases of the border stations may be effectuated.

2. A new full-time operation is permitted on 540 kilohertz, a Mexican clear channel, in Florida, an area where such operation was precluded under the predecessor agreement, and some minor gains have been achieved with respect to the conditions of operation of full-time stations permitted in the United States on other Mexican clear channels under the predecessor agreement.

3. Many outstanding objections of long standing regarding station assignments in both countries have been resolved, and satisfactory solutions have been reached in a number of cases with respect to proposed use, of certain frequencies in the southwestern part of the United States.

4. Its implimentation should reduce the number of conflicts which, under the predecessor agreement sometimes resulted from a lack of agreement on engineering standards applicable to particular station assignments, or from a lack of sufficient information as to the particulars of specific assignments.

5. No existing station will be required to change frequency or other conditions of operation upon entry into force of the new agreement.

The benefits from the presunrise/postsunset agreement are self-evident.

Another improvement in both treaties is the provision concerning duration and expiration. As did the predecessor agreement, they run for 5 years after entry into force but, unlike it, continue to remain in force until such time as replaced by a new agreement or unless terminated by a 1-year written notice from either party to the other party. This places these agreements on the same basis as the North American Regional Broadcasting Agreement (NARBA) to which Mexico is not a party but which for the United States complements the agreements now before the Senate. This will avoid future hiatuses such as the present between the United States and Mexico. On June 10, the committee ordered the agreements reported to the Senate.

In the opinion of the committee it is important that this hiatus be ended. The committee concurs with the views of the executive branch and the industry that these agreements deserve Senate approval and recommends that the Senate give its advice and consent to ratification.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, will the Senator state whether or not the Federal Communications Commission was consulted on this matter?

Mr. MANSFIELD. Yes, and it gave its approval. There was no objection whatsoever.

Mr. PASTORE. I thank the Senator.

Mr. MANSFIELD. Mr. President, I ask that the agreements be considered as having passed through the various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, the agreements will be considered as having passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of two separate but related agreements between the United States of America and the United Mexican States, signed at Mexico City on December 11, 1968, namely:

(1) an agreement concerning radio broadcasting in the standard broadcasting band (535–1605 kHz), and

(2) an agreement concerning the operation of broadcasting stations in the standard band (535 kHz), during a limited period prior to sunrise ("pre-sunrise") and after sunset ("post-sunset").

(Executive B, 91st Congress, 1st session.)

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on this matter take place after the vote on the pending bill, the supplemental appropriations bill.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

SECOND SUPPLEMENTAL APPROPRIATION 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, the subcommittee of which I am chairman conducted hearings on the bill before us over a period extending from April 14 until May 20. There are 1,376 pages of those hearings. During that period there was no request from any source to include moneys for the Neighborhood Youth Corps operations, there was no budget estimate, and there was no indication from the executive branch of its desire to have such moneys included. I say again, there was no budget request. Moreover, there were no moneys for this purpose in the act when it reached the Senate from the House of Representatives, there were no hearings by the House on this item, and there were no requests before the other body for such funds. As a consequence, the subcommittee not only had no evidence before it which would justify the need for an additional appropriation for this purpose; it also had no request for the funds.

Mr. President, it was during the markup in full committee on this bill that the matter was first brought to the attention of the members who were present. I had received a letter on that very day from the distinguished and able senior Senator from New York (Mr. JAVITS), requesting an additional $55 million. That was my first introduction to the desire on the part of Members of this body for consideration by the committee of funds for the Neighborhood Youth Corps.

At that committee meeting the able Senator from New Jersey (Mr. CASE) presented the matter on behalf of himself and the Senator from New York (Mr. JAVITS). I stated then what I have stated now: The committee had no budget estimate, no testimony and no information on which to base a judgment. This does not mean that worthy programs cannot be brought before the committee at the 11th hour. It does not mean that at all. I am not saying that just because we have no budget estimate on an item, no request from the executive branch for moneys, or no hearings on an item, that such item is not a perfectly laudable one and that moneys would not be justified therefor.

I am saying that after the subcommittee had worked night and day over a long period of time, had listened to witnesses and pored over the testimony and, after having weighed the facts adduced, had decided on the final figure $4,456 million—which really amounts to about $4.40 for every minute since Jesus Christ was born—we were presented with a request at the 11th hour to add $55 million, which is not hay, either. Nevertheless, I am not saying that the program is not a good one.

But to come before the committee and ask for this kind of appropriation without justification other than a letter from the conference of mayors is, I think, a little more than one could expect of the committee. The Senator from Rhode Island (Mr. PASTORE), who is one of the top-ranking members of the full committee, was present. He gave information to the committee that $7.5 million could be effectively, efficiently, and economically utilized for the program, and he urged that at least that amount be added. That being the case, I suggested that the committee accept an increase of $7.5 million and that the remainder of the money requested be rejected.

The Senator from Rhode Island appeared to think, I believed at that time, that that would be a fair approach to the matter and the most that could be hoped for under the circumstances, and the committee agreed on that figure. Mr. PASTORE wanted more than $7.5 million, but he also was realistic concerning the circumstances.

Thus, today, we have come to the floor with $7.5 million in the bill, and it is again proposed that we raise the amount to the full figure of $55 million, an increase over the committee figure of $47.5 million, or approximately $1 for every minute since Rutherford B. Hayes was President.

I am not opposed to the Neighborhood Youth Corp program, Mr. President. I have had some very good reports from my State concerning the activities of the Neighborhood Youth Corps and so, therefore, I support the program.

So, on the day before yesterday, I met with representatives of the Labor Department and asked them, "What do you need? What can you effectively, efficiently, and economically utilize for this program? State it. State what you need. Lay it on the table."

The answer was, "We can utilize $10 million."

I did not make the suggestion as to what figure they should state. I did not think that was my business to do that. I said, "What do you need?"

Here is a request now for $55 million. I said to them, "What can you use? No matter what it is, tell me what it is. Lay it on the line."

They said, "$10 million."

I said, "Give me a letter to that effect."

Before I received that letter, the distinguished Senator from New York knew what was in that letter. This is not said in derogation of him at all; yet he received, or at least saw, a copy of my letter. There was no indication on the letter that a copy was being sent to anyone else. But he did receive a copy of it before I had even opened the envelope to read what was in it, he indicated to me in conversation that he knew its contents. Of course, the Labor people will hear about that. That is just an aside at the moment.

But in that letter, it is stated that the Department can effectively utilize an additional $10 million. I will read the letter in its entirety. It is dated June 17:

DEAR SENATOR BYRD: This letter is written in response to your request for the Department of Labor's position in connection with a proposed supplemental appropriation to be made available for use in the 1969 summer NYC program.

The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million. These additional funds would provide 24,000 additional job opportunities for youth in the summer NYC program. When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.

This compares to $126,676,730 and 340,043 slots available for summer NYC last year and represents an increase over last year of approximately 20,000 job opportunities.

The NYC program operates in over 1,000 individual projects across the country. Operations have already begun in some States and are about to commence in the remainder of States.

The program becomes less flexible as the commencement of operations approaches—staff has been hired, arrangements for work stations, supervision, etc. have been made. However, the Labor Department estimates that meaningful work opportunities could be provided for the additional 20,000 youth if funds were made available in late June. Four thousand of these additional slots would provide the same level of opportunities as in the 1968 summer and the additional 16,000 would provide for some of the pressing needs of particularly the larger urban areas.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

Mr. President, so, here in the letter is the statement clearly stating that the Department can effectively utilize an additional $10 million.

I recognize the fact, as the Senator from New York has stated, that the mayors of cities are closer to the local situations than are the people in the

Department of Labor. But in looking at the letter written by the conference of mayors and signed by John Gunther, executive director, I find that the conference says:

> We have made inquiries as to the cities' 1969 needs for summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 72,382.

It goes on to say:

> On the basis of our contacts with a sample—

It does not say how much of a sample or how many cities, whether two, three, one, or six cities. It simply says "a sample."

Continuing reading—

> On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be 50 percent above their present allocation. This would mean an additional 67,313 slots needed by the smaller cities.

So the estimate herein is based on a sample. And how was the estimate arrived at? We are not told.

Mr. President, I feel that, as chairman of the subcommittee having the responsibility for trying to manage this bill on the floor, I cannot, in good conscience, offer to accept more money than the responsible agency has indicated it can effectively utilize. That amount is $10 million. I am willing to accept that amount.

I know that the Senator from New York will be disappointed. I am sure that he would hope to see a larger amount accepted. But I think I must say that when we get this in conference we will do exceedingly well if we are able to come out with $5 million, in view of the fact that there were no budget estimates, no hearings in either body, and no funding requests before either the House or the Senate committee.

This is a tough battle we shall be waging. However, I am willing to accept, on behalf of the committee—and I have discussed it with the ranking minority member, the Senator from South Dakota (Mr. MUNDT)—the full amount of $10 million which can be effectively utilized, and this will be $2.5 million over the amount allowed by the Senate Appropriations Committee.

If the Department has said it could utilize $15 million, I would have offered to accept that figure. If it had said $20 million, I probably would have done so, because I know that there are many Senators other than myself who support the Neighborhood Youth Corps program. Even though the committee is at a disadvantage, in that it had no evidence on the matter during the hearings, no opportunity to ask questions there, and no supporting witnesses before it, I still am willing, therefore, to accept the amount which the Department stated it could utilize.

It said it could effectively utilize $10 million and I am willing to accept that.

I hope that the Senator will agree to the figure and that we can go to conference with $10 million.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. First of all, a great deal of quiet diplomacy has taken place with reference to the item which we are discussing on the floor of the Senate today. As a matter of fact, my first contact with this subject came through a letter I received from the Senator from New York (Mr. JAVITS). I did not talk with the Secretary of Labor. The figures I had were figures contained in the letter I received from the Senator from New York. I not only spoke to him on the phone, but also to members of his staff. I suggested at that time that possibly the best way to initiate this subject before the committee was to have it sponsored by the Senator from New Jersey (Mr. CASE).

That is the historical, chronological order of what took place.

Now, if my good friend from New York persists in his amendment for the $55 million, naturally I shall vote for it, because he knows how sympathetic I am to this kind of program.

I have listened to his rationale, and he is always very rational and logical. I think the money can be wisely spent, even the $55 million. But we are here today not to win a battle; we are here to win a war. This is an unbudgeted item. It did not come up by way of a Senate document, nor did it come up by way of a budgetary estimate.

So when we were debating this matter within the full committee on the markup, I realized that there was little sympathy for the $55 million. I am not saying this for any partisan reason; as a matter of fact, the objections came more from the Senator's side of the aisle within the composition of that committee than they did from our side of the aisle. I realized that we were up against a very, very serious matter; that if it came to a vote, in all probability we would not even carry 10 cents. At that point, realizing, of course, that the art of politics is always the achieving of the possible, and realizing that we might be doomed to get nothing as against the $55 million, I pointed out to the committee that the Secretary of Labor had indicated that the amount he was asking for that he thought he could wisely use—this was based upon his communications with the various departments—was $7.5 million.

So I injected myself into the picture. I suggested to the Senator from New Jersey (Mr. CASE) that perhaps the best thing for us to do would be to take the $7.5 million, and then, if he chose to pursue it on the floor of the Senate, he could do that. That is what is happening here now.

I want to say to my friend from New York that here is where we are: We have come out of the Senate Appropriations Committee with a supplemental bill that has a provision which freezes in a cut of $1.9 billion, no matter what we do. We received from the House a bill with a provision which stipulated that we could not spend any more than $192.9 billion in fiscal 1970. That raises many, many problems. I know what the temperament of the House is. I have dealt with them in conferences. The Senator knows, too, because he has had that experience.

I do not know what we are going to do in the conference on this matter. I think I will be a member of the conference, because, after the Senator from West Virginia, I am the ranking member on the Democratic side. I do not know what we will be able to achieve in that conference, but we will have a tough row to hoe, because this is an unbudgeted item.

The Senator is suggesting that, inasmuch as the Secretary of Labor has revised his request to $10 million, we should accept this amount. What I am afraid of is that if the Senator from New York brings the amendment to a vote, and we by chance lose it, and there is a very good likelihood that we could lose, we could weaken our hand in conference. If the amendment to raise the amount to $55 million were defeated, the House conferees would have the best argument; namely, that there was no taste for this in the Senate. So rather than do that, I would prefer to go to conference with a fresh start.

I realize that $10 million is nothing like $55 million, and that $10 million could not do the job that $55 million could do. On the other hand, $10 million can do a better job than no dollars can do. That is the point I am making.

Without too much discussion on the floor, without too much controversy on the floor, I think that what we ought to do is to put our practical minds together on this matter and decide what our strategy should be. I am frank to say that if it comes to a vote, I shall vote for the $55 million. Whether a vote against it would even doom the $7.5 million, I am in no position to say. But the chairman of the subcommittee has made it his responsibility to contact the Secretary of Labor, who, in fact, is in charge and is the ultimate representative of the Government with reference to the efficacy of this program. The Secretary has said that he needs $10 million, and let us not forget that he is an appointee of the present administration. The chairman of the subcommittee is willing to accept that recommendation and take it to conference. Why is it not the better part of judgment at this moment to resolve it in that way and let him accept it and let us take our chances in conference?

I will be on that conference. I do not know what success I will have, but I will certainly hold out for it. I will bring out all of the arguments that we heard advanced by the Senator from New York on the floor of the Senate. He knows I do not give in too easily. I cannot promise what our success will be, but I believe, frankly, that our chances will be much better if we accept the $10 million than if we adopt the $55 million figure, and then go to conference and perhaps get nothing at all.

I say this realizing the fact that in some respects I am being the devil's advocate; but, in the final analysis, I would rather take the $10 million than lose the $55 million.

Mr. JAVITS. Mr. President, the Sena-

tor from Rhode Island could never be the devil's advocate. I have served with him, and one could not have a better friend on the Appropriations Committee, or on any other committee, than JOHN PASTORE.

The Senator knows I have tremendous regard for his judgment. I would like to submit to him the details of what motivates me in saying I cannot do it. First and foremost is history. The difference between $7.5 million and $10 million is de minimis. If we are going to be dealing in those figures, I say it makes little difference. We are talking about 16,000 to 17,000 jobs at $7.5 million, and 23,000 to 24,000 jobs at $10 million, and we have a need for 136,500 certified by the mayors. So the orders of magnitude do not jibe.

Then, history troubles me. I would deeply appreciate the attention of the Senator from Rhode Island in this, because this is so much a part of our history. Last year I was on the Appropriations Committee, and I was a member of the conference, through the great kindness of the chairman of the Appropriations Committee, the Senator from Georgia (Mr. RUSSELL), and through the kindness of the Senator from Rhode Island (Mr. PASTORE) himself, as chairman of the subcommittee at that time. Last year the Senate voted $75 million for this very purpose, under, generally speaking, the same circumstances. It was necessary to get the conference report rejected by the Senate. We successfully did in that fight, which was an absolutely monumental struggle, in order to get $13 million, at long last, of that $75 million.

Based upon that history, I would be very ill-advised if I were to wash this thing out on that basis. I know that if I went ahead, the Senator from Rhode Island would fight as hard as I did. I think he will agree that I fought pretty hard.

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

Mr. JAVITS. I yield.

Mr. PASTORE. No one who understands the motivation and the sincerity of the Senator from New York, as the Senator from Rhode Island does, will question him. But, speaking of de minimis, I would rather gamble with a $10 million de minimis than with the failure of $55 million. That is what I am trying to say.

Mr. JAVITS. Coming as I do from the largest city in the country and knowing the temper of my people, let me say—and I know it is a risky thing to say, but I say it with my eyes wide open—I do not think the poor of my city would give me less than a 95-percent mandate to fight for the $55 million even if means losing the $10 million.

I think that it is simply a matter of dignity. We are either substantially right, or we are completely wrong, and I think we are substantially right.

I have told the Senator from West Virginia, and I will tell the Senator from Rhode Island, that there is a figure less than $55 million at which I am willing to be practical, but it cannot be $10 million, and if that is the best offer, we had better just go to a vote and forget it. Therefore, I should like to address myself to some of the merits of what the Senator from West Virginia has suggested.

The hearings and the testimony are troublesome, and the Senator from West Virginia makes, in my judgment, a very sound point on that. Unhappily for all of us, this is endemic in the kind of problem we face in the summer job field. We even faced it with the last administration, which was in office for a number of years, but also had no budget estimate and there was no testimony, et cetera. I was faced with the same problem then.

The reason is that you do not mobilize and understand your situation until very late in the game. The numbers of youth who will be around, the numbers that private enterprise is likely to employ, what your regular ongoing, year-round programs have been able to accomplish in terms of summer employment—all of that information does not become ascertainable until along about the middle of May or early June. So it is the kind of situation which is bound to come to the Senate, because that is where this bill is considered last and which is late blooming as it were, since you really do not know the facts until you get to the very end.

This is not unusual for this program, and I should like very much for the Senator from West Virginia to follow this. If Senators will look at page 2 of the committee report, they will see that the Senate bill is some $600 million over the House bill. The reason, very logically, is that, first, there are new budget estimates that come in between the time the House of Representatives passes its bill and the time the matter comes before the Senate; and, second, there are other emergency submissions of exactly this character, and the committee lists several: Flood control and prevention; the Inter-American Development Association—where the legislation was passed recently; veterans pension and readjustment benefits—which are automatic; medical care for veterans—which can never be anticipated too much in advance; and an item covering fire damage for the Atomic Energy Commission.

This is that kind of an emergency submission. That is the only basis on which I can put it. As a former member of the Appropriations Committee, I am very sympathetic with the Senator from West Virginia in his feeling about the evidence. That is why, perhaps a little unusually, we have literally put the case in, in facts and figures, right here before the Senate.

I account for that only because we just could not do it any sooner. There is no "latches" involved, as we lawyers say; it is just a late-blooming proposition. In addition, we have a new administration, and the Labor Department was completely preoccupied with its defense of the Job Corps camp closings, so that it spent weeks and weeks on that, and nobody could actually get at this problem. The best proof for that is that the Labor Department itself is very uncertain about its situation because, in a space of 10 days to 3 weeks, they went from $7.5 million to $10 million; and if we give them another 2 weeks, they will probably go to $20 million or $25 million. This is a matter of getting down to the grassroots and ascertaining what should be done.

There is another clue to what should be the proper amount here, I noticed with great interest that the Senator from West Virginia and the Senator from Rhode Island—though less so—used interchangeably two expressions in questioning the Labor Department: "What do you need?" and "What can you use?" Let us understand, the Labor Department is not passing on what they can use. They can use enough money to give summer jobs to 1.5 million kids, and they need that. The question is really, What can they operationally absorb? There we have a real difference between the Labor Department, which says they can operationally absorb $10 million, for roughly 24,000 slots, and the mayors, who are the men on the ground administering these programs, who say they can use effectively 136,000 slots and $55 million.

In addition, when you compare the figures of the Labor Department, which I did a little earlier, with the figures of the mayors, we begin to realize that the wideness of the disparity is heavily attributable to the fact that the Labor Department took it by regions, which is bound to give a very undue emphasis to the larger cities, and the mayors took it city by city.

For example, I used as an illustration region No. 2, which includes New York City, where its mayor certifies for 21,621 slots, but the Labor Department requests, for the whole region, only 5,413. Obviously, someone is being shortchanged here.

Finally, I should like to point out that the mayors have established detailed effective use figures for the 50 largest cities. I have not heard those figures challenged, though they have been in the RECORD since Monday. On that basis alone, the additional requirement—leaving the smaller cities out altogether—is for 72,382 slots, which would amount to a figure of about $30 million.

So the order of magnitude suggested by the committee is really completely out of line, considering the order of magnitude of what, in my judgment, we have proved in the way of hard evidence, in presenting this issue to the Senate.

Mr. President, a number of Senators are imminently leaving the city, waiting only to vote; and I hope very much that we can get to a vote very promptly. I ask for the yeas and nays on my amendment.

Mr. MANSFIELD. 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. MANSFIELD. I ask unanimous consent that order for the quorum call be rescinded.

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

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am prepared to vote, as soon as the majority leader and the manager of the bill are ready.

Mr. MANSFIELD. The Senator from Oklahoma wishes to be heard.

Mr. HARRIS. Mr. President, I would like to speak briefly in support of the amendment offered by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Wisconsin (Mr. NELSON) to increase the Neighborhood Youth Corps to $55 million.

The need for this increase is accentuated by the support it has been receiving from the U.S. Conference of Mayors. This support is, of course, bipartisan and truly representative of all geographic areas.

I noted with interest figures furnished by the Conference of Mayors showing the need for 72,382 slots for youths in major cities and the need for 67,313 slots for youths in smaller cities. In my home State, the need has been indicated for 388 additional slots in Oklahoma City and 69 in Tulsa. Figures for the other 13 programs in Oklahoma are not available; however, with the nationwide increase in need, I am certain that additional funds are needed for these programs in smaller communities.

There are few, if any, needs more urgent, or objectives more desirable, than that of helping the disadvantaged youth of this Nation. To recognize and meet that need is not only the right thing to do; it is the smart thing to do as well.

Investment in these young people through the Neighborhood Youth Corps program can make the difference between a life of frustration and a life that is meaningful. This amendment truly involves an investment and not an expenditure. Our favorable experience with the GI bill is a good example of such an investment and how it pays back great dividends to the Nation, not to mention increased tax revenues.

The investment called for is only $400 per individual, which will enable young people to learn valuable skills and provide a viable alternative to idleness on the streets. Those who sense the future with optimism are not likely to turn with despair from the present.

Let us think, therefore, not in terms of "paying a price," but in terms of making an investment in our own future as well as in the future of these young people who will be served by this amendment.

I hope the amendment will be adopted.

Mr. JAVITS. Mr. President, I thank the Senator from Oklahoma (Mr. HARRIS) who speaks as a member of the President's Commission on Civil Disorders and who comes from a State that has a tremendously rural population, for supporting the amendment. The Senator from Oklahoma is an important member of the Democratic Party.

Reference was made to the 11th hour as to the way in which this matter was presented to the committee. I have already expressed my deep understanding of the problems of the Appropriations Committee.

So many of us from the cities of the country are worried that this may be the 11th hour for the cities. It is in an effort to make some contribution to the alleviation of their condition that could result in another very long and hot summer that I urge the Senate to support the amendment.

Mr. NELSON. Mr. President, if a Senator should rise and seriously suggest that we appropriate money for a space program designed to send men a third of the way to the moon and then leave them in space, he would be thought ridiculous. Or if we claimed to have a moon-landing program, but appropriated only enough for orbiting the earth, we would be thought silly.

Yet this is precisely the kind of absurdity we have been practicing for years now with our summer employment program. The need is documented. The documentation—gathered by the mayors of our 50 largest cities—is before the Senate. Distinguished private research organizations—such as Greenleigh Associates—have documented it as well. The summer youth employment program operated by the Neighborhood Youth Corps reaches only one-third of those who need jobs in the tense, hot summer months.

Which is more worthy a goal—reaching the moon in July or providing opportunity for those who face an American nightmare in the summer streets? Which is more crucial to the health and welfare of the Nation—not to say our domestic tranquillity—the moon, or job opportunities?

The amendment that the Senator from New York (Mr. JAVITS) and I offer today would not itself meet the need. It is too late to plan a program that is substantial. But it would provide the funds that the mayors of our leading cities say they can use efficiently, even at this late date. I urge Senators to consider the matter seriously, and to vote the needed funds, the full $55 million requested in this amendment, funds enough to employ an additional 136,000 young people this summer. The need is for 1,530,000 jobs. That is a Labor Department figure for those who will be 14 to 21 and unemployed and from poverty homes in cities this summer. The administration is supplying funds for only 336,000. The mayors say they can use efficiently funds for another 136,000 jobs. For these individuals it can make a lifetime of difference.

As a footnote, one might point out that the Federal training situation for young Americans has not been helped by the shutdown of half of the Job Corps program. About 3,000 have left closing Job Corps centers, and only 225 were employed in other programs, according to the Secretary of Labor, by May 24. And another 9,000 who would normally have been recruited and placed in centers by this summer, will be delayed until fall because of the freeze on Job Corps recruiting and processing ordered in April. All these young people require our special concern.

I urge the adoption of the amendment to H.R. 11400 to provide an additional $55 million for jobs for unemployed, disadvantaged youth this summer.

The Senator from California (Mr. CRANSTON) and the Senator from Missouri (Mr. EAGLETON) have informed Senator JAVITS and me that cities in their States can use funds for summer youth jobs greater than the figures shown in the survey supplied by the U.S. Conference of Mayors. The survey was a conservative estimate and there is certainly an even greater need for summer jobs than the modest sum proposed in the pending amendment. I ask unanimous consent to have the correspondence with Senators CRANSTON and EAGLETON printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., June 17, 1969.

Re amendment to H.R. 11400 so as to increase funds available for the Summer Neighborhood Youth Corps programs.

Hon. JACOB K. JAVITS,
Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATORS JAVITS AND NELSON: You are offering an amendment to H.R. 11400 which would increase the funding (from $7,500,000 to $55,000,000) of the summer Neighborhood Youth Corps Program.

I fully support your amendment and will vote for it because I am certain the $7,500,000 figure will not come close to doing the job which is needed to be done.

In support of your amendment you have had a table prepared by United States Conference of Mayors which purports to show the 1968 and 1969 enrollment levels in the program as well as the additional needs of the 50 largest cities in the United States.

The two Missouri cities on this list are Kansas City and St. Louis and your figures appear as follows:

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, 50 LARGEST CITIES, 1968 AND 1969, ENROLLMENT LEVELS

	Summer 1969			
	EOA original allocation (in jobs)	MDTA additional slots	Total all sources	Additional required
Kansas City	800	331	1,131	269
St. Louis	1,080	754	1,834	0

Especially insofar as St. Louis was concerned, I was very surprised that there were no additional summer job needs. Therefore, I checked with the authoritative sources in both Kansas City and St. Louis and find that the number of additional slots that those two cities could effectively utilize are as follows:

Kansas City	350
St. Louis	1,200

If you plan to introduce the table into the Congressional Record, I would appreciate it if you would also introduce this letter so as to correct the above-mentioned figures.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

LOS ANGELES, CALIF.,
May 22, 1969.

Senator ALLEN CRANSTON,
Senate Office Building,
Washington, D.C.:

At the request of the Board of Economic and Youth Opportunities Agency, we are submitting information in order that Senator ALLEN CRANSTON may initiate a supplementary appropriations for jobs for Los Angeles youth. The need is critical. Reports from public and private agencies and the State employment service shows less than 5 percent of youths already registered for jobs from poverty areas will find work with the current appropriation. School closes June 20th and we expect thousands more applications. Our agency working with public agencies can increase the number of employed youth in Federal programs at estimated cost of five million dollars which includes supervision and

administration. We can add five thousand youths to the ten thousand currently being planned for.

MANUEL ARAGON, JR.,
Executive Director, EYOA.

Mr. BROOKE. Mr. President, we have heard repeated many times in this Chamber the grim statistics on urban unemployment, Negro unemployment, school dropouts, and increasing crime. We have been told repeatedly by mayors and social scientists, psychologists and program directors, that these and many other ills of our society are closely interrelated. Yet we have continued to condemn the rise in urban crime, to cut spending for social welfare programs, and to deplore the unrest which plagues our land.

Such efforts are counterproductive. If we would deal constructively with social ills, we must take steps to preserve and to extend to all Americans an appreciation for the values which our Nation has traditionally upheld. We can do this only by making all Americans aware that the social system can adapt and change itself to work for all our people.

The Neighborhood Youth Corps is a program designed with this very objective in mind. Under the present budgetary authority, 336,000 youths will be given meaningful employment this year. They will be employed in various capacities working for the cities and their agencies: They will work as recreation directors, laborers, and in other positions of assistance to the community. They will learn, as all young people with summer employment learn, the value of work and the advantage of a personal income. Many of them will use their wages to help support their families, and to further their own or their siblings' further education. The advantages which they and the community will derive from this program cannot be measured in dollar or social value, though the cost to the Government can be measured—a mere $411 per person.

Unfortunately, however, there are far more unemployed and eligible young people than there are positions and funds available. The Department of Labor estimates that more than 1.5 million youths will be eligible; yet under present funding, slots are available for less than 22 percent, or 336,000.

Significantly, on the basis of a request for information, the U.S. Conference of Mayors has estimated that the 50 largest cities alone could use 72,382 additional slots. A sample of smaller cities indicates that they could utilize 50 percent more positions than are presently allocated, or an additional 67,313 slots. The total number of additional slots which our Nation's cities could make available this summer is thus 139,695. At a cost of $411 per slot, the additional funding required is thus $55 million, the amount requested in the pending amendment.

In view of the great advantage which this program provides, and keeping in mind the rather minimal costs when compared with other Government programs, I sincerely hope that the Senate will give to the cities the amount of funds they believe they can use, and will agree to the pending amendment.

Mr. KENNEDY. Mr. President, I support increased funding for summer activities of the Neighborhood Youth Corps.

This summer 1.5 million youths who are 14 to 21 years old will be unemployed and eligible for Neighborhood Youth Corps summer programs. But unless additional funds are approved now by Congress, less than one-quarter of them will be able to participate.

In the long run, it would be a tragic waste of resources to leave these young people no choice but to spend the summer months out on the street without work.

A summer job gives the potential school dropout modest earnings which may make the difference in whether or not he returns to classes in the fall. It gives him a chance to develop pride and responsibility. It enables him to perform useful work for the community which would not otherwise be done. It helps to eliminate social and economic disadvantages. It provides an alternative to the aimlessness, and dissatisfaction and unrest—and to the trend toward crime and riots—which have afflicted so many of our youth.

Both for the practical reason of decreasing violence and for the moral reason of giving someone a chance to be a constructive citizen, adequate funding of the Neighborhood Youth Corps is important.

Communities across the Nation desperately need additional Youth Corps funding. The conference of mayors has polled its cities and concluded that even at this late date at least 136,500 more positions could be used effectively, if funds are approved within a short time. In my own State of Massachusetts, Boston requires 814 slots. In many other cities, the requirement runs into the thousands.

The Neighborhood Youth Corps summer program gives poverty-stricken American boys and girls the chance to develop the skills and work habits, the education and work experience necessary to compete in today's job market. It benefits the community by supporting work on necessary projects. It serves society by developing productive and responsible and committed citizens.

It is a good program, which urgently needs our support as we face the up-coming summer. I hope that the Senate approves greatly increased funds in the supplemental appropriation, and I support the pending amendment.

Mr. BYRD of West Virginia. Mr. President, I send to the desk a substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute.

The legislative clerk read as follows:

Strike out the numeral "$55,000,000" and insert in lieu thereof "$10,000,000".

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I move to lay that amendment on the table. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York (Mr. JAVITS) to lay on the table the amendment of the Senator from West Virginia (Mr. BYRD) in the nature of a substitute. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. The motion is not debatable. The clerk will proceed with the rollcall.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inqury.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a rollcall. The clerk will proceed with the rollcall.

The legislative clerk resumed and concluded the call of 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 California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

On this vote, the Senator from California (Mr. CRANSTON) is paired with the Senator from Alabama (Mr. SPARKMAN).

If present and voting, the Senator from California would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 46, nays 44, as follows:

[No. 41 Leg.]

YEAS—46

Aiken	Harris	Packwood
Allen	Hart	Pell
Bayh	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Hughes	Ribicoff
Cannon	Inouye	Saxbe
Case	Jackson	Schweiker
Cook	Javits	Scott
Cooper	Kennedy	Stevens
Dodd	Magnuson	Symington
Eagleton	Mathias	Tydings
Fulbright	McGee	Williams, N.J.
Goodell	McGovern	Yarborough
Gore	McIntyre	Young, Ohio
Gravel	Muskie	
Griffin	Nelson	

NAYS—44

Allott	Dominick	Long
Anderson	Eastland	Mansfield
Bellmon	Ellender	McClellan
Bennett	Ervin	Miller
Bible	Fannin	Mundt
Boggs	Goldwater	Murphy
Byrd, Va.	Gurney	Pastore
Byrd, W. Va.	Hansen	Pearson
Church	Holland	Proxmire
Cotton	Hollings	Randolph
Curtis	Hruska	Russell
Dirksen	Jordan, N.C.	Smith
Dole	Jordan, Idaho	Spong

Stennis	Tower	Young, N. Dak.
Talmadge	Williams, Del.	

NOT VOTING—10

Baker	Metcalf	Sparkman
Cranston	Mondale	Thurmond
Fong	Montoya	
McCarthy	Moss	

So Mr. JAVITS' motion to table the amendment of Mr. BYRD of West Virginia to Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I am prepared to vote on the basic amendment but first I wish to explain to the Senate what has occurred. I shall take only a moment.

Mr. BYRD of West Virginia. Mr. President, may we have order so Senators will know what the Senator is talking about.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The Senate will be in order.

Mr. JAVITS. Mr. President, we have argued all morning and the RECORD is very complete on the question of what to do about summer jobs for youth. I proposed an amendment with the distinguished Senator from Wisconsin (Mr. NELSON) and a group of cosponsors from both sides of the aisle for $55 million which represents 136,500 summer jobs at $411 apiece, which is based upon a survey of the U.S. conference of mayors. The survey sets forth names and places of cities and the number of slots required for the 50 largest cities and with supplementary data for smaller cities, all of which make up the total shown.

The Department of Labor advised me and the Senator from West Virginia (Mr. BYRD) that it could effectively use $10 million. They surveyed the situation according to regional offices, by region, and they came up with the $10 million figure, which I think is grossly inadequate and which the mayors think is grossly inadequate.

The Senator from West Virginia then moved to substitute the $10 million figure for my figure. I moved to table that amendment, not out of any disrespect, but only because I did not think it fair to ask Senators to vote against any increased figure for the program.

That measure has now been tabled and so my amendment comes before the Senate. I would like to add one note of history so the Senate will fully understand the situation.

Last year, in 1968, we made a similar fight. A similar measure was bitterly contested here and it was bitterly contested in the conference. It received the kind consideration of the Senator from Georgia (Mr. RUSSELL) and the Senator from Rhode Island (Mr. PASTORE). Although I was the junior member, I was a member of the conference committee. We voted for $75 million. The committee was very fair. As a result of the rejection of one conference report we finally got $13 million.

I submit, coupling what we are trying to accomplish with that history, that it should be remembered that the conference of mayors certifies this to us as the figure which can be effectively used, naming the 50 largest cities and slotting them by the amount to be made available to each city.

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

Mr. JAVITS. I yield.

Mr. STEVENS. Is this money designated for those specific cities or will it get outside of them?

Mr. JAVITS. The money is not earmarked, but I do not think there is any question about the fact that the Department will administer the proposal upon that same basis. I shall tell the Senator why. Their breakdown for their figures on the $10 million, which they did by regions, bears a relationship to the amount set up as the conference of mayors did. So the Department and the mayors would agree in order of magnitude although there may be minor differences.

Mr. STEVENS. My question really is whether this money is going to get out to the smaller States, or will it be used for the larger urban areas?

Mr. JAVITS. Not at all. The mayors gave us a figure of more than 72,000 slots for the larger cities, and more than 67,000 slots for the smaller cities.

Mr. BYRD of West Virginia. Mr. President, I shall be a little repetitious now in that I, too, want to say a bit about the history of this measure.

The subcommittee conducted hearings from April 14 through May 20 on this bill. It is a $4.4 billion bill. There was no budget estimate, there was no request from the executive branch, and there was no request by letter from any member or any individual, to my knowledge, to my subcommittee asking for consideration and addition of this amount.

On the day that we marked up the bill in full committee I was first introduced to the idea by letter from the distinguished and able Senator from New York (Mr. JAVITS), in which letter he requested an addition of $55 million for the Neighborhood Youth Corps, without testimony, without a budget estimate, without any hearings whatsoever. This amount, incidentally, represents approximately $1 for every minute that has passed since Andrew Johnson was President.

That is not to say that the program is not a laudable one, not at all. I support the NYC program. I have had good reports concerning it in West Virginia. I want to appropriate for it whatever moneys can be properly justified and effectively, efficiently, and economically utilized.

However, I think I would not properly measure up to my duty and responsibility as the chairman of the subcommittee if I supported now an effort to put into this bill $45 million more than the responsible agency says it can effectively use.

In the full committee, the Senator from Rhode Island (Mr. PASTORE), who is a ranking majority member of the subcommittee, stated that the Department of Labor as of that date could effectively utilize $7.5 million for the program. I suggested we accept this figure and add it without any budget estimate, without hearings, and without testimony, but realizing there are many Senators here who sincerely want to see some money added for this program.

The full committee went along with the addition of $7.5 million under the circumstances. Here now today we have the request again for $55 million. On the day before yesterday I asked the Department of Labor to send someone to my office who could talk about this matter, and that was done. I asked the representative of the Labor Department: "How much can you effectively and efficiently and economically use for this program? You name it. Lay it on the line. Whatever it is, state it."

He said, "We can use $10 million."

I said, "Put it in writing."

He wrote a letter and here it is:

DEAR SENATOR BYRD: This letter is written in response to your request for the Department of Labor's position in connection with a proposed supplemental appropriation to be made available for use in the 1969 summer NYC program.

The Department, after surveying its Regional Offices—

Mr. President, Senators will note that the Department went back to its regional offices following the action by the committee adding $7.5 million. I shall continue to quote from the letter:

The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million.

Mr. President, that is all I shall read from the letter at this time. I have read the entire letter into the RECORD earlier.

That being the case, I wish to say to Senators who were not in the Chamber earlier, that I today offered to accept an additional $2.5 million over the $7.5 million appropriated by the committee so as to round out the full $10 million. I had discussed this with the ranking minority member of the subcommittee (Mr. MUNDT), and he was willing to agree to accept $10 million, that being the amount the agency could effectively utilize. But as I stated earlier today, I cannot justify my support of $55 million for this program under all the circumstances I have related here.

The distinguished and able Senator from Rhode Island also took the floor earlier and stated his strong support for this program and stated he would vote for the $55 million if it came to that, but he also urged the able Senator from New York to accept my recommendation on the basis that there was no budget estimate and nobody downtown had appeared here, except at my request, to state a capability for even the $10 million. The Members of the House of Representatives never heard of this matter, never had hearings on it, and had no budget estimate.

The Senator from Rhode Island who has been in conference many times knows better than I that when one goes down that corridor and gets halfway between these two bodies with those men from the House of Representatives, without a budget estimate, without hearings, without testimony, and without a request from the executive branch, we are likely to come out on the short end of things, and we probably will not get anything.

I, as manager of the bill, or one who is attempting to manage the bill, have committed myself to support $10 million under these circumstances.

I did not want to vote against this

amendment for the $55 million because that makes me appear as being against the NYC, and it puts other Senators in the same position. So, after having offered to accept the $10 million, and after having had that offer turned down, the only recourse I had was to offer a substitute amendment to make the amount $10 million.

The motion then was made to table my amendment. I would guess there were 10 Senators in the Chamber when the motion to table was made. There was no discussion on it. Senators came rushing in. Some went here, some went there, and some went somewhere else, as I do myself at times if I am not in the Chamber to hear the discussion and I have to ask a Senator or someone else what the vote is all about. And in fairness to Senators we cannot be on the floor all the time to listen to debate. Therefore, I feel that some Senators may have voted on this tabling motion not really knowing the background, the circumstances, or precisely what the parliamentary situation was.

I hope that no Senator will take umbrage at my saying that, because I have done it myself at times, not having heard the discussion and I, too, could be confused about the parliamentary situation.

Thus, Mr. President, I take this time now to state what happened, why it happened, and where we are at the present moment.

The Senate voted to table my motion. Had it voted against tabling the motion, we would now be voting on my substitute to add the $10 million. That has been tabled. Now if we are going to vote to add $55 million, Mr. President, I have to oppose that. I think that any Senator standing in my place today would have to oppose it. I am sorry to oppose it. I hope that other Senators will be opposed to adding $55 million now that they understand the circumstances in which we find ourselves.

Mr. HOLLAND. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. Does not the Senator believe that any amendment on this subject placed in the bill by the Senate will have very little weight in conference unless it is supported by everyone in the Senate?

Mr. BYRD of West Virginia. It will have about as much chance as a snowball in Sheol.

Mr. HOLLAND. Mr. President, that is exactly my belief. I served on the conference committee both last year and before when this subject came up. The Senator from New York knows as well as everyone else what difficulties we were under. I think as has already been related, they started with a much larger figure. We had to be satisfied with $13 million last year, after all the conferees of the Senate stood by him regardless of what their votes were on the floor of the Senate. That being the case, I hope that the distinguished Senator from West Virginia will move now to reconsider the vote by which the Senate has barely voted to lay on the table his substitute amendment.

Mr. MUNDT. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. MUNDT. May I say that the Senator from Florida is thinking much faster than the Senator from South Dakota, as the Senator from Florida usually does. I was going to make precisely the suggestion he has just made to our distinguished chairman, that we still have that parliamentary recourse, that many of the Members of the Senate were not here to get the background discussion.

As ranking member on the Supplemental Appropriations Committee, I can say that what the Senator from West Virginia (Mr. BYRD) has said is precisely correct. He has been most accommodating, and most cooperative with the minority in the marking up of the bill and in his consideration of every issue. We sat around with the staff and tried to work out a common approach to this thing. He suggested—the Senator from Rhode Island (Mr. PASTORE) was unable to be present—in his absence that we put in the $10 million for this purpose.

I raised some objections, I may say, initially, because no hearings were held and nothing was done. Finally, out of profound respect for the Senator from Rhode Island, I said, "All right, let us take it on to the full committee," and I went along with that position at that time.

Mr. PASTORE. Mr. President, will the Senator from South Dakota yield at that point?

Mr. MUNDT. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from South Dakota states the case very clearly and effectively. Naturally, we would all like to get the $55 million if it could be used effectively. There is no question about the fact that there is a need for it. If we took it to conference, no one will miss it, because by the time the President signs the bill, most of the summer will be over. But my prediction is this: From my experience in conference with the House, we will "huff" and we will "puff" and we will only blow ourselves down.

Mr. MUNDT. Mr. President, the Senator is exactly correct. May I point out that if all we do is to go to conference with the growing conviction on the part of House Members that the Senate writes on riders or ceilings and talks about economy, but shovels out the money in every direction as freely as possible, we will not have any impact on House Members. Certainly, they will be guided by the Department of Labor's capability to spend prudently the $10 million it has requested. Having yielded from nothing to $7.5 million, I am willing to yield from nothing to $10 million, if they can compromise on that figure.

Consider the $55 million. Of course the mayors would take the $55 million. I suspect they never got to the mayor of my little old hometown which has a population of 7,500, but if they wrote to him saying, "Can you use some money, 400 some odd dollars to a kid?" I guarantee the mayor would find enough boys to use that money. They may be spending their time now working, but the mayor would be able to find some who have not found jobs and he could probably build a case for that money. If we went out into the small rural areas, we could probably make a case for $155 million.

However, we have got to be reasonable in these matters. We will be confronted with a 10-percent surtax continuation. Some of those who will freely throw this money away now, will not vote for that, I suspect, and some of those who were opposed to the ceiling limitation are now putting this thing on. We will be up against some pretty hard financial decisions in this country.

If we can go for the $10 million which the Department of Labor says it can prudently spend, I believe that we can at least justify that amount on the basis that the administration and Congress would agree on it. But to go $45 million beyond that, just because we are spending someone else's money instead of our own, I think makes us look ridiculous in the eyes of the House and weakens our own case and may kill it in Congress.

I therefore suggest that we have a consideration of the vote which the chairman of the committee says he will propose.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from New York with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized, with that understanding.

Mr. JAVITS. Mr. President, we have argued this whole thing before, but obviously it has to be done again.

As I understand it, the motion to reconsider will be proper if made by a Member who voted with the prevailing side, and the Senator from Alabama (Mr. ALLEN) did. I gather he proposes to make the motion.

May the Senate understand the question so that it knows exactly what the situation is.

If we vote the $10 million, we can come pretty close to forgetting the whole thing. Remember, last year, out of the $75 million we got $13 million because we fought—and I fought like a tiger. We rejected the conference report once which—with all respect—would not have been there if at least a majority of the conferees had not agreed with it, and that wiped us out completely even though we had voted $75 million.

Mr. President, this is a battle. It is a battle which involves the cities of the United States. The cities of the United States are either going to fight for themselves in the Senate, or they will lose and they may go down the drain. This is an example of it.

Now we cannot just pass off this business of the U.S. Conference of Mayors—I did not write letters to individual mayors.

The U.S. Conference of Mayors certifies to the figures by cities, with the slots required. I have yet to hear it negated by anyone in this Chamber from those States, whether for or against this

motion. The certification shows that in the 50 biggest cities, there are 75,500 slots required, and, therefore, at least $30 million is needed.

We do not think anything about voting $5 billion or $6 billion for agricultural price stabilization, which involves only 16 percent of the people of the United States. When are we going to wake up in the cities of this country and stand up for ourselves for what we need, especially when it is de minimus like this $55 million, and we think nothing of voting billions for defense and agricultural price stabilization, and for anything else under the sun, when this is needed immediately, for this summer, this hot summer, with a million and a half of them tough kids. We do not even meet one-fourth of the target.

It takes a fight. I am not a bit discouraged. When we walk down that hall, as the Senator from West Virginia (Mr. BYRD) has said, we will get our heads chopped off. But how much better it is to go down there with $55 million than with $10 million. The last time we went down there with $75 million, we got $13 million. We may have to turn down a conference report here. I anticipate that fully.

One wins in this struggle only if he fights. I intend, if I can manage it, to do it, but we must have some material to fight with; in order to do that, we must have this higher figure.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield to me so I may comment on the remarks made by the Senator from New York?

Mr. BYRD of West Virginia. The Senator from Alabama (Mr. ALLEN) has asked me to yield to him. I will yield to him a little later for the purpose of his making a motion, but in the meantime I will yield to the Senator from Rhode Island without losing my right to the floor.

Mr. PASTORE. Mr. President, just so we understand the history and chronology of this matter, the Senator from New York will recall that the $75 million of which he was talking was in a supplemental bill, on which I was a conferee. The Senator from Rhode Island was absent from the Senate at that time for reasons that I shall not go into now. That conference ended in a complete failure. The Senator fought and he fought and he fought, and we got nothing. That supplemental bill went off the board.

When I returned to the Senate, I reintroduced the item in a supplemental bill. I went to conference, and was able to get the $13 million. It was that amount over the previous nothing.

Mr. JAVITS. Is it not a fact that we had to turn down one conference report before we got it?

Mr. PASTORE. That is right; but the Senator got nothing. That is my point. The question here is, looking at the practicalities of this problem, what is the best thing to do at this time? In view of the fact that we have an unbudgeted item, knowing what is the temperament of the House, shall we go into conference with an item which may result in our ending up with nothing, or shall we go into conference with an item that is acceptable to the chairman and the committee, an item that the conferees will fight for?

The Senator from New York must understand that the conferees from the Senate who will go to the conference are not Senators who will vote for the $55 million. That fact will certainly weaken the case. The Senator will have only one friend there in conference, and that is PASTORE. That is not enough.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield further, without losing his right to the floor?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. All I say is that $10 million is de minimus. As I said on this point when there were fewer Members present on the floor, the poor of my city—and I warrant it is true of all of our big cities, whether it is Seattle or Chicago or any other big city—will say, "If that is the best you can do, Senator JAVITS, forget it."

Let us grow up and have some dignity about this. We do not have to go to the House with a tin cup in our hand. If that is the best I can do, I am willing to do it, and I know my people will back me 95 to 5, and I am sure the poor of every city will say it—"If that is the best you can do, forget it."

Mr. PASTORE. Is the Senator saying that if he cannot get $55 million, he would rather have nothing?

Mr. JAVITS. All I said is that we have to run this risk, because the poor people have dignity, too, and if all the Senate can do for a summer employment program is to allow $10 million when we face this issue, then my people will back me in risking a try at getting $55 million.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from West Virginia yield to me?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from North Dakota without losing my right to the floor.

Mr. YOUNG of North Dakota. Mr. President, I cannot help but resent and take exception to what the Senator from New York had to say about the farmers of the country. They are the lowest paid people in the whole United States. The prices they receive today, which represents their wages, are lower than they were 20 years ago. The Senator ought to know, because he has been on the Appropriations Committee, that $1.5 billion of the agriculture appropriation bill is for family food and school lunches. This goes mostly to city people. The farmers get less than half of the agriculture budget for price supports. He says $7 billion is being thrown to the farmers, when they are the lowest income people in the whole country.

I am willing to help the cities, but I do not want the farmers to be treated in an objectionable or unfair way.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. Mr. President, I yield, under the same conditions.

Mr. JAVITS. Mr. President, if I did say that, I apologize. I had no such intention. I was only comparing the orders of magnitude, as to what the people of the cities contend for and what the farmers contend for. I only pointed out that we have an enormous need here.

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

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Florida under the same condition.

Mr. HOLLAND. Mr. President, further along the line just mentioned by the Senator from North Dakota, I want to call to the attention of the Senator from New York the fact that the cities are not forgotten by the Appropriations Committee. I have jotted down here just a few of the very generous appropriations we are making for the cities, and we ought to make them, and we are making them. One is for the model cities appropriation. That certainly does not apply to farmers or to rural areas. Another is for the open space appropriation, for spaces around the cities. Both of those are large appropriations. The third is for the urban transportation system, which is certainly not for the country areas and not for the farmers. The fourth is for urban public housing, which is certainly not for the farmers and not for the open areas.

There are many, many other appropriations, such as the special rent appropriation and the special provisions in the recent housing bill to pay interest to help dwellers in the cities to build their homes and the vast appropriations to build airports and harbors at the cities.

We are not blind to the needs of the cities, and I think the cities know that.

I have not even mentioned the aid we are giving to the police systems of the Nation. Of course, that applies largely to the urban areas.

The fact is—and I go back to a point I made a while ago—I want there to be in this bill the item which the administration says it can use; and the administration is not unsympathetic to this need. I would think the distinguished Senator from New York recognizes that fact, because he is a member of the party of that administration. The administration says $10 million is the most it can use.

I want to remind all Senators who are here of the fact that an amendment adopted here by a bare vote of the Senate, with just a small majority, is not going to have the weight in conference as would an amendment adopted by an almost unanimous vote of the Senate. I would hope that the Senate could vote with almost unanimity for the $10 million. I would be prepared to vote for that figure since the Department now says it can use that amount. It formerly had said it could use only $7.5 million.

As the Senator from West Virginia knows, I voted at the markup of the bill for that amount because the Department had said it could use it. The question is: Shall we go out of here with practically a unanimous show on the part of the Senate that it wants this program to be served by an amount which this administration says can be used, or shall we go out of here badly divided, to a conference where we know we are up against

great difficulties, committed to an amount which cannot be used?

I think the position of the Senator from West Virginia is so strong, so unassailable, that I unhesitatingly support it. I hope the motion for reconsideration will be made, and that it will be adopted by the Senate, and that the Senate can then, with practical unanimity, vote for the $10 million amount.

Mr. BYRD of West Virginia. I thank the able and distinguished Senator. Such a motion will be made. The Senator from Alabama asked me to yield to him.

First, I yield to the Senator from Nevada (Mr. CANNON) with the understanding that I do not lose my right to the floor.

Mr. CANNON. Mr. President, I did not become aware of the so-called letter until a few minutes ago. Do I understand the administering agency says the maximum amount it can use is $10 million?

Mr. BYRD of West Virginia. That is correct, and the manager of the bill offered to accept that amount, but the distinguished Senator from New York would not agree to it.

Mr. CANNON. What would be the total amount available then for use in this program?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think the total amount, with the $10 million, would be $149,500,000, which would provide about 360,000 slots for summer jobs. My argument, just so the Senator gets the picture—I am not trying to be forensic about it—is that we have got a target of a million and a half to shoot at; the Labor Department certifies that. My amendment was based upon the findings, city by city, of the U.S. Conference of Mayors, which gives us a figure for effective use—just the same catechism as that of the Labor Department—of 136,500 slots, as against their 24,000 slots, making a total of $55 million instead of their $10 million.

That is the issue.

Mr. BYRD of West Virginia. Mr. President, in further response to the question of the Senator from Nevada, I shall read this additional sentence into the RECORD, which immediately follows what I had already read:

> When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.

Mr. CANNON. Does that increase the number of slots that were available last year?

Mr. JAVITS. It increases the number by about 14,000.

Mr. CANNON. It increases the total money?

Mr. JAVITS. It increases the total money; and, of course, the whole point we make is that we have now got a bigger target, and a more difficult situation.

Mr. CANNON. But the administration has said it can use only $10 million?

Mr. JAVITS. That is the amount they certify they can effectively use, that is a fact; we cannot get away from that.

Mr. CANNON. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I now yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I should like to state to the distinguished Senator from West Virginia that I asked him to yield for the purpose of permitting me to speak on the pending amendment at this time.

Mr. President, I voted to lay on the table the amendment offered by the distinguished Senator from West Virginia providing for $10 million, not because I favored the $55 million, but because I was against the increase to $10 million. The distinguished Senator from New York stated that he would prefer not to take the $10 million, that he regarded the increase from $7.5 to $10 million as a mere pittance.

Mr. JAVITS. Mr. President, will the Senator yield? I should like to give him my exact words.

Mr. ALLEN. I yield.

Mr. JAVITS. I said I regarded it as de minimus—not enough of a change in the order of magnitude to make it desirable.

Mr. ALLEN. If I misquoted the Senator, I apologize to him. The RECORD will show, I am sure.

At any rate, the distinguished Senator from New York was unwilling to accept the $2.5 million increase proposed by the Byrd amendment, and for that reason I voted not to force the $10 million on him. I would much prefer to see the issue presented to the Senate on the $7.5 million proposed in the bill, or the $55 million proposed by the Javits amendment. It was for that reason that I voted to table the $10 million amendment offered by the distinguished Senator from West Virginia (Mr. BYRD).

I would still prefer to see the issue presented to the Senate as $7.5 million or $55 million, feeling confident that the Senate would accept the $7.5 million figure. I feel that the $7.5 million is certainly all that should be appropriated, and I do not favor going to $10 million. Certainly, if the proposed $55 million is to be spent according to the provisions of the bill by September 30 of this year, it would be a problem to spend wisely that amount of money for the intended purposes in that time.

I feel that this attitude toward the expenditure of public funds, this feeling that $2.5 million, or $45 million, is a small amount of money, is a feeling or an attitude or a view that has contributed to getting the country in the terrible financial position that it is in today. So I am opposed to the $10 million amendment, and I am opposed to the $55 million, and I would prefer to vote against the $55 million at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

Mr. BYRD of West Virginia. Mr. President, I move, by way of offering a substitute amendment, that the figure $55 million be stricken——

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

Mr. BYRD of West Virginia. I yield.

Mr. President, I withdraw my motion.

Mr. ALLEN. Mr. President, having voted with the prevailing side on the motion of the Senator from New York to table the amendment offered by the Senator from West Virginia, I now move that the Senate reconsider the vote by which that motion was agreed to.

Mr. JAVITS. Mr. President, a point of order. Does the Senator qualify?

The PRESIDING OFFICER. The Senator from Alabama voted on the prevailing side, and does qualify.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Chair will indulge me.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it appropriate to move to reconsider a vote on a motion to table.

The PRESIDING OFFICER. It is appropriate.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to reconsider the vote by which the motion of the Senator from New York (Mr. JAVITS) to lay on the table the amendment in the nature of a substitute of the Senator from West Virginia (Mr. BYRD) was agreed to. 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 California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "yea."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. CRANSTON).

If present and voting, the Senator from Alabama would vote "yea" and the Senator from California would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 52, nays 40, as follows:

[No. 42 Leg.]

YEAS—52

Aiken	Dominick	Miller
Allen	Eastland	Mundt
Allott	Ellender	Murphy
Anderson	Ervin	Pastore
Bellmon	Fannin	Pearson
Bennett	Goldwater	Proxmire
Bible	Gravel	Randolph
Boggs	Gurney	Russell
Byrd, Va.	Hansen	Smith
Byrd, W. Va.	Holland	Spong
Cannon	Hollings	Stennis
Church	Hruska	Stevens
Cook	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dirksen	Mansfield	Young, N. Dak.
Dodd	McClellan	
Dole	Metcalf	

NAYS—40

Bayh	Hughes	Pell
Brooke	Inouye	Percy
Burdick	Jackson	Prouty
Case	Javits	Ribicoff
Cooper	Kennedy	Saxbe
Eagleton	Magnuson	Schweiker
Fulbright	Mathias	Scott
Goodell	McCarthy	Symington
Gore	McGee	Tydings
Griffin	McGovern	Williams, N.J.
Harris	McIntyre	Yarborough
Hart	Muskie	Young, Ohio
Hartke	Nelson	
Hatfield	Packwood	

NOT VOTING—8

Baker	Mondale	Sparkman
Cranston	Montoya	Thurmond
Fong	Moss	

So Mr. ALLEN's motion to reconsider the vote by which Mr. BYRD's amendment in the nature of a substitute was laid on the table was agreed to.

The VICE PRESIDENT. The question now recurs on the motion to table.

Mr. JAVITS. Mr. President, I suggest that it is unnecessary to have a rollcall vote on this question. The Senate has manifested its will. Therefore, if the Senator would make a unanimous-consent request to vacate the order for a rollcall vote, I will not object.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a rollcall vote on the motion to table be vacated.

The VICE PRESIDENT. Is there objection to the unanimous-consent request that the order for a yea-and-nay vote on the motion to table be vacated? The Chair hears no objection, and it is so ordered.

The question now is on agreeing to the motion of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. As I understand the procedure, we are now to vote orally on the motion to table. The motion to table has been reconsidered; the order for the yeas and nays has been vacated. As I understand it, we vote on the motion to table. If that motion is rejected on a viva voce vote, then the floor is open for debate on the substitute offered by the Senator from West Virginia. Am I correct?

The VICE PRESIDENT. The Senator is correct.

Mr. JAVITS. I have not heard anyone call for a vote on the motion to table as yet.

Mr. BYRD of West Virginia. Mr. President, I withdraw my request.

The VICE PRESIDENT. The request for the yeas and nays has been withdrawn.

The question now is on agreeing to the motion to table.

The motion was not agreed to.

Mr. JAVITS. Mr. President, I would like recognition on the substitute.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and the nays on the substitute.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall not detain the Senate very long.

May we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. JAVITS. Mr. President, having scrambled and unscrambled these eggs in the course of the last few hours, and being back about where we started, I respectfully submit that it is not imposing upon the Senate to put this issue before it very clearly.

There are 50 cities in the country, the 50 largest cities—it is in the RECORD as of Monday; there is no question about this. We have the certification of the U.S. Conference of Mayors, city by city, of the number of slots that are needed, which the conference certifies can be administered effectively. The number of jobs is more than 75,000, which multiplied by $411 means at least $30 million.

Mr. President, if the Senate is going to settle for $10 million, this whole thing could easily be washed out into nothing. I do not know what the attitude is in the other body; the last time we were there, it was a tremendous struggle, and it took a number of weeks to work it out. First we had to go up the hill of a conference report, which the Senate rejected. The conference was absolutely deadlocked. Finally, as the Senator from Rhode Island has said, we came back; and with his tremendous help and due to my own stubbornness and the assistance of other members of the Appropriations Committee, we got $13 million. That was from $75 million.

The Department of Labor, which is the same Department of Labor, has had to close half the Job Corps camps for budgetary reasons. In the space of a few days, it escalated its own estimate to what could be used effectively from $7½ million to $10 million. It should be remembered that the committee put in $7½ million, because that is what the Labor Department had advised they could effectively use. Yet, within a few days thereafter, the Department of Labor came up with a $10 million figure. That is 33⅓ percent more. Give them another few days, Mr. President, and they will come up with $20 or $30 million.

The mayors are on the firing line here, and they understand the situation they face in their cities. They have certified this to the U.S. Conference of Mayors, and they think they are short; because the U.S. Conference of Mayors, only yesterday, in Pittsburgh, by formal resolution, asked for $100 million. My amendment would provide 72,000 slots for the larger cities, and practically every Member of the Senate has at least one of these cities in his own State. This number of slots is in addition to their estimate, based on samplings State by State, of more than 67,000 slots for small cities. Inasmuch as the big city list of 50 cities omits any smaller cities, some small cities must be involved somewhere. So it is 75,000 slots plus, at the very least.

Mr. President, the history of this conference is that if you go in with $10 million, you are likely to come out with nothing; and if they bring it back to the Senate with nothing or with some insignificant sum and we reject the conference report, people like myself will be told, "There is not much involved, anyway. There are only a few thousand jobs. Why do you not take the conference report and forget it? You are lost for this year."

Right now, we are not lost for this year. It may be that some Senators who voted to reconsider were unwilling to let the matter rest on the basis of a tabling motion and wanted, rather, to vote on the merits, up or down. I hope so, because this is a measure of elementary importance to the security of our country. Our country is gravely endangered from within. As a big-city Senator, I can tell my colleagues—I think it will be vouched for by every other big-city Senator, and that means practically all of us—that what happens in these cities could very well be determined by the extent to which the summer job program is effectively handled and the numbers it covers.

So, Mr. President, I feel that I am shooting for the main target on behalf of myself and my colleagues in respect of this particular vote.

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

Mr. JAVITS. I yield.

Mr. AIKEN. I would like to help the Senator in his very worthy objective, because I know he has the best of intentions, and I know that if we achieve the objectives, a great deal of good can be done. However, I do feel that $10 million is better than $7½ million, as far as it will go. I have a feeling that if we reject the $10 million, we may wind up with $7½ million, and that means we will get absolutely nothing in conference. If we take the $10 million, I believe the conferees will allow at least half of that, which will not go very far. It can go $5 million further than nothing at all.

For that reason, having observed the machinations of the Senate for quite some time, I feel that it would be to our best advantage to accept the $10 million.

Mr. JAVITS. Mr. President, the Senator knows that I not only respect him but also love him, and I say this to him with all seriousness. Unless we fight for this thing, nothing will come of it. And the only way we can show fight—I have been through this—is by sustaining a strong figure; otherwise the other body does not have any respect for it and it is approved with half a heart. Even at that time the chances are 50–50 that before we get any figure we will have to turn down one conference report.

In view of the fact that I think the $55 million figure, as I have read before the Senate in detail, is supported by many Senators having the view of the Senator from Vermont we should get something of substance out of it

I assure Senators, based on my experience, what will happen when they walk down that hall to the conference. I sat there not one time but 20 times, because we had this difficulty, and then we had to get the conference report rejected. Only then, with the marvelous support of the Senator from Rhode Island were we able to get $13 million out of the $75 million for which we voted.

On that record I submit that anyone feeling as the Senator from Vermont does should support me and not the Senator from West Virginia.

Mr. AIKEN. No one can say the Senator did not put up a worthy and commendable fight in this matter. However, I have an idea that when the conference report comes back I think I can assure the Senator from New York if it does not contain a substantial amount for this purpose I would not favor the conference report.

Mr. JAVITS. I thank the Senator.

Mr. President, I think the Senate has heard enough on this subject. I am prepared to vote.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the Senator from New York. 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 Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mr. CRANSTON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) would each vote yea.

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 73, nays 18, as follows:

[No. 43 Leg.]

YEAS—73

Aiken	Fulbright	Murphy
Allott	Goldwater	Muskie
Anderson	Gravel	Packwood
Bayh	Griffin	Pastore
Bellmon	Hansen	Pearson
Bennett	Hartke	Pell
Bible	Hatfield	Percy
Boggs	Holland	Prouty
Brooke	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Russell
Cannon	Jordan, N.C.	Smith
Church	Jordan, Idaho	Spong
Cook	Kennedy	Stennis
Cotton	Long	Stevens
Curtis	Mansfield	Symington
Dirksen	Mathias	Talmadge
Dodd	McClellan	Tower
Dole	McGee	Tydings
Dominick	McGovern	Williams, Del.
Eastland	McIntyre	Young, N. Dak.
Ellender	Metcalf	Young, Ohio
Ervin	Miller	
Fannin	Mundt	

NAYS—18

Allen	Gurney	Nelson
Case	Harris	Saxbe
Cooper	Hart	Schweiker
Ealgeton	Jackson	Scott
Goodell	Javits	Williams, N.J.
Gore	Magnuson	Yarborough

NOT VOTING—9

Baker	McCarthy	Moss
Cranston	Mondale	Sparkman
Fong	Montoya	Thurmond

So the amendment of Mr. BYRD of West Virginia to the amendment of Mr. JAVITS was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was agreed to 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.

Mr. JAVITS. Mr. President, the Appropriations Committee has had its way. Let us understand that. The Appropriations Committee has had its way.

I shall look with the greatest interest to what they bring in as a result of the conference.

We are not through with this fight by a long sight. It is a long and continuing problem of the cities. This is an example of it.

I have been here a long time. I am not a bit bitter about it, but I just am saying that every word I speak I mean. I have been on the Appropriations Committee and it is a very powerful committee. It has had its way.

Now, let us see what they do with this in conference.

Thank you, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the yeas and nays on the amendment of the Senator from New York (Mr. JAVITS) as amended be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I think we should have a vote on my amendment as amended. There are Members who voted "nay" on the substitute because, like myself, they had a sense of principle about it.

Therefore, if the motion for the yeas and nays has already been vacated—I do not know whether I spoke soon enough—I ask the Chair whether I did, and if I did not, I will ask for the yeas and nays again.

The PRESIDING OFFICER. The Chair informs the Senator from New York that the yeas and nays on the amendment of the Senator from New York as amended were vacated.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second, and the yeas and nays are ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Will the Chair please restate the motion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York as amended by the Senator from West Virginia.

Mr. DIRKSEN. Mr. President, will the Chair state the substance of the motion.

The PRESIDING OFFICER. The $10 million amendment has been agreed to.

Mr. MANSFIELD. Vote.

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. If the Senate agrees to the amendment as amended, that is what it will be.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLAND. Mr. President, may I say that I think the duties of the conference committee will be made much simpler if the vote is practically unanimous in the Senate.

Mr. JAVITS. Mr. President, that is what I hope it will be.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

(At this point Mr. BYRD of Virginia took the chair as Presiding Officer.)

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting the Senator from Hawaii (Mr. FONG), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 89, nays 1, as follows:

[No. 44 Leg.]

YEAS—89

Aiken	Goodell	Mundt
Allott	Gore	Murphy
Anderson	Gravel	Muskie
Bayh	Griffin	Nelson
Bellmon	Gurney	Packwood
Bennett	Hansen	Pastore
Bible	Harris	Pearson
Boggs	Hart	Pell
Brooke	Hartke	Percy
Burdick	Hatfield	Prouty
Byrd, Va.	Holland	Proxmire
Byrd, W. Va.	Hollings	Randolph
Cannon	Hruska	Ribicoff
Case	Hughes	Saxbe
Church	Inouye	Schweiker
Cook	Jackson	Scott
Cooper	Javits	Smith
Cotton	Jordan, N.C.	Spong
Curtis	Jordan, Idaho	Stennis
Dirksen	Kennedy	Stevens
Dodd	Magnuson	Symington
Dole	Mansfield	Talmadge
Dominick	Mathias	Tower
Eagleton	McCarthy	Tydings
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Williams, Del.
Ervin	McGovern	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio
Goldwater	Miller	

NAYS—1

Allen

NOT VOTING—10

Baker	Mondale	Sparkman
Cranston	Montoya	Thurmond
Fong	Moss	
Long	Russell	

So Mr. JAVITS' amendment as amended was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I have no intention of detaining the Senate, but before we move to the third reading, I ask unanimous consent that there be a small technical change made in an amendment which was offered by the distinguished Senator from Maine (Mr. MUSKIE) yesterday and accepted and which was adopted by the Senate.

I ask unanimous consent that the following words in that amendment: "and the limitation set forth herein shall be correspondingly adjusted" be deleted and that there be substituted the following words: "including the effect on the limitation as set forth herein."

I have discussed this with the able Senator from Maine, and we are both in agreement that this change in the amendment should be made.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 11400) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, there is much in this bill for which I would like to vote, and I congratulate the Senator from West Virginia for the manner in which he has handled the appropriations that are in the bill. I am, however, going to vote "nay" on this bill because of the fact that it has two sections which I oppose.

One repealed the control which had been imposed on the number of civilian employees in the Federal Government, which action, in my opinion, was most unwise.

The second places an imaginary ceiling on the amount of expenditures for fiscal 1970, a ceiling which, in my opinion, will have no effect whatsoever as far as controlling expenditures is concerned.

I would not want to be a party to approving something which gives the impression that Congress has done something when, in reality, we have done nothing but approve an expression of good intentions.

The taxpayers should be on notice that as far as the Senate action is concerned there are to be no effective controls on either expenditures or the number of employees that are on the public payroll.

Mr. TOWER. Mr. President, of the many important areas covered by this supplemental appropriations bill, I have a particularly strong interest in that section dealing with the section 235 "homeownership" and section 236 "rental housing" assistance programs administered by the Department of Housing and Urban Development.

The Committee on Appropriations has recommended $50 million in contract authority for each of these deserving programs. The House allowed $40 million in each instance. However, I want to urge my distinguished colleagues to follow the Senate committee's recommendation, and restore the $10 million authorized for each program, thus bringing their funding levels up to the amounts authorized by the Housing and Urban Development Act of 1968. I feel that it is vitally important that we do this.

The 1968 act was the end result of almost 2 years of concentrated effort by the Congress to provide the means whereby our Nation's low-income families could have the opportunity to own and rent safe, decent, and adequate housing. The 1968 act created the 235 and 236 assistance programs, and thus this opportunity.

It is especially important that the act recognized, for the first time, the need for some kind of helping hand to those families who aspire to the basic American tradition of homeownership, but because of their limited financial means, cannot bring their hopes into being. Until the enactment of the homeownership assistance program in late 1968, this inherent desire of our low-income families to own their own homes was given little recognition, notwithstanding the many housing programs already on the books. This is why it is so important, in my opinion, that this program be given the chance to demonstrate its full potential.

The new rental housing assistance program, likewise, should be fully tried as an alternative to other low-income multi-family housing programs that have been relative ineffective because of their lack of acceptance and other shortcomings.

But I want to emphasize the very important focus of these two new programs as intended by the Congress. While private investment and the productive efforts of free enterprise are looked to to produce this housing, eligible families are still the beneficiaries of a Government subsidy on their behalf. The justification, and purpose, for this subsidy is clearly stated by the 1968 act's declaration of policy to be to "assist families with incomes so low that they could not otherwise decently house themselves."

In other words, the programs are intended to help deserving families acquire adequate housing in those instances where they cannot do so on their own. There are great numbers of these families in our country today, and for the most part, they are found in those neighborhoods where substandard housing conditions prevail. These are the families that these two new assistance programs should seek out. The programs would be misdirected, and their potential effectiveness diluted, if they are allowed to encompass families capable of paying for their own housing on the private market without outside assistance. I would urge that this be guarded against as the present backlog of applications is weighed against the funds to be made available. To not do so would also disillusion those true low-income families who for the first time are encouraged to believe that their housing needs have been recognized. This we can ill afford.

Mr. GURNEY. Mr. President, I intend to cast my vote "No" on the supplemental appropriations bill, and shall take a few minutes to explain my position.

My "No" vote does not indicate disagreement with the programs being funded in this supplemental bill.

It does emphatically indicate my disapproval of the amount of money in the bill.

The United States is now in the throes of one of the greatest inflationary periods in history.

It is faced with one of the most serious money crisis in the 200 years we have been a Nation.

All of us here know this.

People who are far more knowledgeable than I—economists, bankers, business people—some of these are literally scared to death as to what may arise in the weeks and months ahead, because of this money crisis.

Ordinary citizens who may not be aware of the niceties of national and international finance know about inflation. They write me every day about the rising prices of the basic necessities of life—food, shelter, and clothing.

They want something done about it.

That is what the election of 1968 was all about—at least in part.

The issues were three: Vietnam; crime; and, just as large on the domestic scene, money and inflation.

Of course, there is more than one factor in inflation.

But, again, all of us know that, above all, the principal cause of inflation, here and all over the world, has been a free-wheeling, big-spending policy on the part of a government.

For years, under the previous administration, that was the policy.

The new programs, the overall spending schemes of the past administration, were largely triggered and sparked by the White House.

But Congress shared in this overspending also. For not a single dollar of taxpayer money can be spent by the President or the departments without prior approval by Congress in appropriation bills.

It is way past time that we assumed our responsibility, which I submit we have not been doing in recent years.

I do not think we are shouldering our responsibility in this bill.

The House set a figure of $3,783,212,766.

In the bill we have upped that figure by $673,596,878.

In the past few days we have further upped this figure an unknown but certainly very considerable sum.

We have also amended the bill to practically do away with any ceiling. What we did yesterday was to put in an elevator-supported ceiling, going up and down as it pleases our will.

If I have learned anything in the 7 years I have been in Congress, it is that appropriations rarely go down; they always go up.

My people in Florida voted, in the 1968 election for the Presidency and the Senate, for responsible spending, for handling their tax money as they would their own.

I cannot vote for this supplemental appropriations bill and carry out my responsibilities to my constituents.

My vote will, therefore, be "No"—again not because I disagree with the programs funded herein but because I think we are spending too much money, which will further contribute to the fires of inflation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? 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 California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from California, (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 87, nays 2, as follows:

[No. 45 Leg.]

YEAS—87

Aiken	Eagleton	Jordan, Idaho
Allen	Eastland	Kennedy
Allott	Ellender	Magnuson
Anderson	Ervin	Mansfield
Bayh	Fannin	Mathias
Bellmon	Fulbright	McCarthy
Bennett	Goldwater	McGee
Bible	Goodell	McGovern
Boggs	Gore	McIntyre
Brooke	Gravel	Metcalf
Burdick	Griffin	Miller
Byrd, Va.	Hansen	Mundt
Byrd, W. Va.	Harris	Murphy
Cannon	Hart	Muskie
Case	Hartke	Nelson
Church	Hatfield	Packwood
Cook	Holland	Pastore
Cooper	Hollings	Pearson
Cotton	Hruska	Pell
Curtis	Hughes	Percy
Dirksen	Inouye	Prouty
Dodd	Jackson	Proxmire
Dole	Javits	Randolph
Dominick	Jordan, N.C.	Ribicoff
Saxbe	Stennis	Tydings
Schweiker	Stevens	Williams, N.J.
Scott	Symington	Yarborough
Smith	Talmadge	Young, N. Dak.
Spong	Tower	Young, Ohio

NAYS—2

Gurney	Williams, Del.

NOT VOTING—11

Baker	McClellan	Russell
Cranston	Mondale	Sparkman
Fong	Montoya	Thurmond
Long	Moss	

So the bill (H.R. 11400) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill passed.

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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of the Senate amendments to make technical and clerical corrections.

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

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of West Virginia, Mr. RUSSELL, Mr. PASTORE, Mr. HOLLAND, Mr. ELLENDER, Mr. MUNDT, Mr. YOUNG of North Dakota, and Mrs. SMITH conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I thank all Members of the Senate for their patience, understanding, cooperation, and courtesy throughout the debate on the second supplemental appropriation bill, 1969.

Mr. MANSFIELD. Mr. President, I note for the record that the report on the measure just adopted contains 111 pages. In addition, the hearings are nearly 1,400 pages long. I would venture to say that this entire record—as voluminous as it is—was within the quick grasp of the Senator from West Virginia (Mr. BYRD) as he steered this highly important funding bill to overwhelming Senate approval.

I make this point only to suggest that Senator BYRD is unexcelled in his preparation and in his presentation of any measure. His handling of this proposal was no exception. I should point out also that this is only the first year Senator BYRD has served as chairman of the Appropriations Subcommittee on Deficiencies and Supplementals. It hardly needs saying that he performed the task and managed the bill with the same careful diligence and outstanding legislative skill he has applied to all of his numerous accomplishments. I know he would protest that it was only his duty. But may I say that no Member of this body could have better exercised that responsibility.

In my opinion, BOB BYRD is a Senator's Senator. His abiding devotion, his great skill and competence have been an inspiration to many of us. As a leader in this body he has set an example for all. So with the passage of the highly complex and extensive supplemental appropriations measure, Senator BYRD has added another magnificent achievement to his already overflowing record of public service. The Nation is again in his debt.

Also to be commended is the Senator from South Dakota (Mr. MUNDT), the ranking minority member of the subcommittee who contributed so much to the success of this measure. Others, too, played a vital role. Senator YARBOROUGH, Senator PELL, and Senator PROUTY are especially to be thanked for their successful efforts in behalf of our education programs. Senator JAVITS and Senator MAGNUSON are similarly to be thanked for their contributions to the debate and for urging their own strong and sincere views. In this respect I should also mention the efforts of the Senator from Delaware (Mr. WILLIAMS). His contribution, as always, was most enlightening and most constructive.

Finally, the Senate as a whole is to be thanked for the splendid cooperation of the membership in obtaining expeditious and efficient action today on this all-important measure.

RADIO BROADCASTING AGREEMENTS WITH MEXICO

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will go into executive session to vote on Executive B, 91st Congress, first session, the Radio Broadcasting Agreements with Mexico.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the yeas and nays on the agreements.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the resolution of ratification? 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 California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator

from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 46 Ex.]

YEAS—89

Aiken	Goldwater	Mundt
Allen	Goodell	Murphy
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Bayh	Griffin	Packwood
Bellmon	Gurney	Pastore
Bennett	Hansen	Pearson
Bible	Harris	Pell
Boggs	Hart	Percy
Brooke	Hartke	Prouty
Burdick	Hatfield	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hollings	Ribicoff
Cannon	Hruska	Saxbe
Case	Hughes	Schweiker
Church	Inouye	Scott
Cook	Jackson	Smith
Cooper	Javits	Spong
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Stevens
Dirksen	Kennedy	Symington
Dodd	Magnuson	Talmadge
Dole	Mansfield	Tower
Dominick	Mathias	Tydings
Eagleton	McCarthy	Williams, N.J.
Eastland	McGee	Williams, Del.
Ellender	McGovern	Yarborough
Ervin	McIntyre	Young, N. Dak.
Fannin	Metcalf	Young, Ohio
Fulbright	Miller	

NAYS—0

NOT VOTING—11

Baker	McClellan	Russell
Cranston	Mondale	Sparkman
Fong	Montoya	Thurmond
Long	Moss	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of legislative business.

NATIONAL COMMITMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 118, Senate Resolution 85.

The PRESIDING OFFICER. The resolution will be read by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, if the distinguished chairman of the committee will allow me, I should like to make a preliminary statement which I hope will set the tone of the debate which is about to ensue and which will continue for the remainder of this week and into next week as well.

The Senate is about to begin consideration of the national commitments resolution. In the discussion of this measure, it is to be hoped that Senators will forget the center aisle. The question is not partisan; it is not even bipartisan. It is one of all-Senate concern which goes to the nature of the constitutional responsibilities of this body.

I hope, too, that this resolution will not be the occasion for the conduct of postmortems on past policies. What we might have done differently a few months ago, a year ago, a decade ago, is not at issue. This resolution is pointed not to yesterday but to the pattern of foreign relations which has emerged today and to the issues which will be upon us tomorrow.

In suggesting that recriminations over the past be eschewed, the leadership is not presuming to arrange in advance the form of discussion for the National Commitments resolution. Senators, of course, may choose to say whatever they wish and whenever they wish to say it on this subject as on any other. I would point out, however, that there has been an unusual availability of floor time this year. In scheduling future sessions, the leadership would be delighted to try to accommodate Members who may wish to go into other matters at length, whether the question is Vietnam, Western Europe, Latin America, or some other.

Insofar as this resolution is concerned, however, it is to be hoped that the discussion will focus on national commitments. What is involved is not what this administration or its predecessors may have done in the past. What is involved is a view of the responsibilities of the Senate in foreign affairs, now and in the future. What is involved is how obscure national commitments can lead from one step to another and eventually to tens of billions of dollars of cost and the tragic loss of lives in armed conflict. How can the Senate, working not against but with the President, see to it that these myriad commitments stem from a contemporary concept of national interest and international realities? How can we—together with the President—see to it that these commitments are useful tools for the peace of the Nation today rather than cumulative anachronisms which are rooted in the inertia of administrative practices? What can the Senate do, in short, as an elected and constitutionally responsible body, to work with an elected President—to assert the effective control of the people of this Nation over the foreign policies of this Nation? That is the essential subject of this resolution. It is a subject eminently worthy of the Senate's consideration. It is a subject which should engage the principal attention of the Senate.

Mr. DIRKSEN. Mr. President, I fully concur in the sentiment expressed by the distinguished majority leader. On those occasions when I have had opportunity to discuss Senate Resolution 85, I have constantly and emphatically counseled that it not be approached in a partisan or bipartisan manner and that the center aisle, as the majority leader has so well expressed it, not be taken into consideration when the resolution is considered.

This matter does involve the welfare of the country; and when I say that, we are not unmindful of the fact that by neither a sense of the Senate resolution nor a statute can the constitutional powers of the President be impaired. Notwithstanding all that, it will be very useful to consider the resolution.

Now, there have been before the Committee on Foreign Relations at least three resolutions in the 90th Congress and in the present Congress. I think one was Senate Resolution 115, one was Senate Resolution 187, and this one is Senate Resolution 85. Those resolutions differed somewhat, and I was not too happy about the text of the present resolution. That is why we had a party conference this morning, only for the purpose of having an informative discussion among the Members in the hope that we could agree on some kind of language that would have appeal for everybody.

I felt free, therefore, to discuss this matter with the majority leader this noon, and also with others. I trust that there will be extended debate on the subject—not too extended, but long enough for this story to get to the attention of the country.

So I concur with the majority leader that this matter should be approached at a high level, since the country is involved.

THE ABM SYSTEM

Mr. STENNIS. Mr. President, in this morning's Washington Post is an article bearing the headline "Hill Unit Backs Further Tests of ABM 'Brain.'" The story states, in effect, that a majority of the Research and Development Subcommittee of the Armed Services Committee had recommended that the ABM be approved only in a very limited way.

In order to keep the record straight—and that is the only reason why I bring up this matter—the subcommittee, under the chairmanship of the Senator from New Hampshire (Mr. MCINTYRE), rendered a very fine service; but they did not make any report or recommendation at all so far as the ABM or any phase of it is concerned. I will read a few sentences from the unclassified portion of the subcommittee report. First:

> The subcommittee itself did not deal directly with the Safeguard ABM system.

The next paragraph begins—

> The chairman of the subcommittee has proposed an alternative to the Safeguard ABM proposal.

The next paragraph:

> The chairman of the subcommittee contends—

And so forth.

Further the report reads—

> The chairman maintains that this alternative would save hundreds of million of dollars . . . [and] The chairman contends that his proposal would save billions of dollars in misspent funds. . . .

These are references to the position of the Senator from New Hampshire. They utilize his position. I know that the Senator from New Hampshire is in no way responsible for the story that appeared in the newspaper.

Three members of the subcommittee joined in the following statement in the report:

> The undersigned recommend that when you bring the matter of the Safeguard ABM before the committee in mark-up, that the alternative suggested by the Subcommittee

Chairman be considered among the suggestions which may come before the committee at that time.

Mr. President, I now yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I wish to say to the distinguished chairman that the action last Monday in the meeting of the ad hoc subcommittee, of which the chairman was good enough to name me chairman, was to the effect that three members of that subcommittee agree that at the appropriate time on the agenda of our full committee discussion on the military budget, that the full committee would give ample opportunity for the presentation of alternatives to the Safeguard system.

It is unfortunate that this article appeared. I do not know how these stories which are so incorrectly stated get in the newspapers.

Having served on this committee for 5 years, I understand the subcommittee is an arm of the full committee, and I understand why we must maintain security within our committee. What the chairman of the committee has said is accurate, and I endorse what he has said.

I thank the chairman for yielding.

Mr. STENNIS. I thank the Senator. I understand. We are marking up the bill, and we will get to this matter in time. This is a very large bill.

Mr. MURPHY. Mr. President, will the Senator from Mississippi yield to me so that I may make a comment with respect to this matter?

Mr. STENNIS. I yield.

Mr. MURPHY. Mr. President, I am so pleased that the chairman of the committee and the chairman of the subcommittee have raised this matter.

I notice that there is a story on the UPI wire so I sincerely hope, as a member of that subcommittee, that we can do all that is possible to clarify this situation. It is unfortunate that this item came out.

I thank the distinguished Senator.

S. 2457—INTRODUCTION OF THE KIDNEY DISEASE TREATMENT AND PREVENTION ACT OF 1969

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to provide a comprehensive approach to kidney and kidney-related diseases. My bill, which has the endorsement of the National Kidney Foundation, proposes to establish cooperative and community centers for the treatment of people with kidney diseases, training of personnel, and the establishment of the nationwide prevention program.

Mr. President, each year, about 8 million Americans are afflicted with kidney diseases. Diseases of the kidneys, and diseases affecting these organs, rank among the major ailments which undermine or destroy good health. As the fifth leading cause of death in this country, the insidious nature of kidney diseases is reflected in the fact that many people who harbor infectious organisms in their urinary tract will have no warning of their disease until kidney damage is beyond repair. Of the nearly 8 million new victims each year, about 2,800,000 suffer hypertensive renal cardiovascular diseases causing 35 percent of deaths from kidney disease; about 2 million suffer infectious diseases causing 18 percent of deaths; and, about 3 million suffer other diseases such as hypersensitivity, calculi, urinary abnormalities, and others causing 26 percent of the deaths.

In terms of indirect costs of mortality—lost future income—kidney disease is the highest ranking killer, costing the country $1,500 million annually. Additionally, more than $1 billion has to be spent annually for hospital and nursing home care, professional services and drugs. Surprisingly, this exceeds the annual medical services costs for maternity care, or all forms of cancer.

It is heartbreaking to note that an estimated 8,000 Americans will die in 1969 who might otherwise have been saved if we had addressed ourselves at an earlier date to the problems of kidney disease. The 8,000 Americans that I speak of are those patients who doctors have determined are ideal candidates for treatment with the artificial kidney machine or transplantation.

Mr. President, we must address ourselves to this problem now. I hope that the distinguished chairman of the Labor and Public Welfare Committee, Mr. YARBOROUGH, will call for early hearings on this bill.

I ask unanimous consent that there be included in the RECORD at this point an article that appeared in the Washington Post just last Sunday entitled, "Artificial Kidney Puzzle: Who Lives? Who Dies?" I further request that the text of the bill be printed preceding the newspaper article.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the article will be printed in the RECORD.

The bill (S. 2457), to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease and for the conduct of training related to such programs, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2457

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 "Kidney Disease Treatment and Prevention Act of 1969."

SEC. 2. Part B of title III of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"ESTABLISHMENT AND OPERATION OF COOPERATIVE AND COMMUNITY PROGRAMS FOR THE PREVENTION AND TREATMENT OF KIDNEY DISEASE

"SEC. 319. (a) It is the purpose of this section to provide financial support through grants to public and other nonprofit schools of medicine, hospitals, agencies, and institutions to assist in the establishment and operation of cooperative and community prevention and treatment programs for patients with kidney diseases and for training related to such programs.

"(b) There are hereby authorized to be appropriated the sums of $12,000,000 in the fiscal year ending June 30, 1970; and $20,000,000 for each succeeding fiscal year until and including the fiscal year ending June 30, 1974 to enable the Secretary to carry out the purposes of this section and section 321 of this Act.

"(c) The Secretary shall, after consultation with the National Advisory Committee on Kidney Disease Programs (established pursuant to section 321 of this title), prescribe general regulations and guidelines concerning (1) eligibility of public or nonprofit agencies, institutions, or organizatons for grants under this section, (2) determination of costs with respect to which such grants may be made, (3) the terms and conditions under which such grants will be made, and (4) the assurance that all grants are coordinated with any existing regional plan for a kidney disease program in a particular area.

"(d) There is hereby established in the Department of Health, Education, and Welfare the Office of Kidney Centers, for the purpose of administering sections 320 and 321 of this Act and providing coordination of Federal activities in the prevention and treatment of kidney disease. The Secretary is authorized to appoint a Director and such additional personnel as are required to perform the responsibilities specified in this Act and such additional responsibilities as the Secretary may assign to the Office of Kidney Centers.

"(e) Subject to the regulations and guidelines established pursuant to subsection (c) the Office of Kidney Centers shall assist in establishing kidney center programs. This assistance shall consist of providing information, services, and grants for planning, training, construction, renovation, and percentage contributions toward the operation of kidney centers.

"(f) A 'kidney center' for the purpose of this section means:

"(1) a 'cooperative kidney center' established within or as a part of a medical school or hospital that has demonstrated a high level of professional competence in relevant medical disciplines. The purpose of the kidney center would be:

"(i) to train medical and supporting personnel;

"(ii) to provide transplantation treatment for patients with chronic uremia where this form of therapy is indicated;

"(iii) to provide dialysis treatment when medically indicated in connection with training, research, and transplantation;

"(iv) to engage in research and the development of new techniques;

"(v) to coordinate with and establish appropriate relations with one or more local community dialysis units (described in subsection (f)(2));

"(vi) and, to assure that knowledge and treatment of kidney disease will evolve in a balanced fashion;

"(2) a local 'community dialysis unit' established in conjunction with and in continuing relationship with a 'cooperative kidney center.' The purposes of a community dialysis unit would be:

"(i) to provide a central training and treatment facility for the care of persons having chronic kidney disease:

"(ii) to provide training and supervision to physicians, staff members, and to patients who are candidates for home dialysis;

"(iii) to foster and promote the availability and wider use of the equipment and techniques of home dialysis.

"(g) The amount of any grant to carry out the purposes of this section shall include:

"(1) 100 per centum of the costs directly related to the training of physicians, staff members, patients, and their families;

"(2) 100 per centum of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a kidney center under the provisions of subsection (f)(1);

"(3) 60 to 90 per centum of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a community dialysis unit under the provisions of subsection (f)(2). The percentage contribution shall be determined on the basis of the economic status of the particular community involved pursuant to guidelines established by the Secretary.

"(4) 90 per centum in the first year of full operation, 60 per centum in the second year, and 30 per centum in the third year and thereafter of the operation and maintenance costs of cooperative kidney centers and community dialysis units established pursuant to this Act: *Provided, however*, That grants under this subsection may be in lesser amount if the Secretary determines that centers and units are capable of meeting a larger share of costs of operation.

"(h) Three years after the Secretary formally publishes notice in the Federal Register that applications will be received for grants under this section, the President will transmit to the Congress any recommendations he may wish to make concerning the program. In the event that no changes are made in the authorizing legislation, the program shall continue as authorized under this section and section 320.

"THE NATIONAL ADVISORY COMMITTEE ON KIDNEY DISEASE PROGRAMS

"SEC. 320. (a) There is hereby authorized a National Advisory Committee on Kidney Disease Programs. The Committee shall consist of four members currently in Government service and eight members, not otherwise in the employ of the United States, appointed by the Secretary and with regard to the civil service laws, who are leaders in the fields of the basic medical sciences related to kidney disease, kidney disease diagnosis and treatment, community health programs, or public affairs.

"(b) Each appointed member of the Committee shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be "appointed for the remainder of such term and except that the term of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve for more than two terms.

"(c) Appointed members of the Committee while attending meetings or conferences thereof or otherwise serving on the business of the Committee shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d) The Committee shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this section insofar as it pertains to kidney disease, or the diagnosis, treatment, and care of patients suffering from such diseases. After the Committee is established, it shall consider all applications for grants under section 320 which pertain to kidney diseases, or the diagnosis, treatment, and care of patients suffering from such diseases and shall make recommendations to the Secretary with respect to approval of applications for the amounts of such grants.

"(e) The Committee shall also review and make recommendations on kidney disease programs of departments and agencies of the Federal Government, including, but not limited to, those in the Veterans' Administration, the Public Health Service, and the Vocational Rehabilitation Administration, so that the methods, facilities, and programs of these administrative agencies can best be utilized in supporting programs for prevention and treatment of kidney disease. Particular attention shall be paid to the coordination of activities of these various agencies in a given region so as to insure adequate geographical distribution of services and avoid duplication of facilities and services."

SEC. 3. The head of each department, agency, and instrumentality of the United States is authorized and directed to cooperate with the Secretary of Health, Education, and Welfare, to the maximum extent possible, in carrying out the provisions of this Act.

SEC. 4. Except as otherwise specifically provided by any amendment made by this Act, there is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 5. The foregoing provisions of this Act shall become effective as of the first day of the first month which begins after the date of enactment of this Act.

The article, presented by Mr. HARTKE, is as follows:

ARTIFICIAL KIDNEY PUZZLE: WHO LIVES? WHO DIES?

(By Stuart Auerbach)
Washington Post Staff Writer

At this moment, Mary Kesterson, a 35-year-old Maryland mother of four, is dying. Her family is searching for $14,000 to pay for artificial kidney treatments that could prolong her life.

Arabell J. Wheaton, 25, lay close to death last week until her family arranged for artificial Kidney treatments in New Jersey, where she used to live. The family spent more than $5000—their total savings—on treatments here.

Brian Kelly, 5 died this month at Georgetown Hospital of kidney failure followed by a rare series of complications. His hospital bill amounts to about $25,000 for the 63 days he was critically ill.

Francis Chesney Jr., 21, feels that he's going to die in a Harrisburg, Pa., hospital. His sister, a Catholic University student, lacks the money she needs to get him started in an artificial kidney program.

Evelyn (Evie) Robert, a 60-year-old Washington socialite, almost died of kidney failure 18 months ago.

Then her husband, former Democratic National Committee treasurer Lawrence W. (Chip) Robert, bought her an artificial kidney for about $2900. She donated it to George Washington Hospital with the condition that it remain available for her use.

It costs Mrs. Robert at least $30,000 a year for the twice-weekly treatments that keep her alive.

These cases involving residents of the Washington area illustrate a problem that agonizes the Nation's doctors—how to provide every American with the medical advances that are currently available.

Science has provided the artificial kidney—a machine that takes over when human kidneys fail and filters the poisons from the blood.

But no one has provided the money needed to treat the estimated 8000 Americans who each year need the machine to stay alive. Costs of home treatment—the least expensive method—average at about $4500 a year on top of the higher expenses of the first year when patients learn to use the artificial kidney.

The drugs, chemicals, coils, tubing and filters, which can only be used once, raise the cost of home treatment to as much as $50 each. Most patients need two a week.

Health insurance coverage is spotty. State and local funds are limited. And the Federal Government has cut back on a program it started three years ago to set up artificial kidney centers across the country.

The National costs are astronomical; once on an artificial kidney, a patient must continue treatment as long as he lives.

One White House committee estimated that a program to provide artificial kidney treatment for every American that needs it would cost $1 billion for the next six years and $300 million every year after that.

With the knowledge that artificial kidneys can prolong lives, Americans no longer sit still until they die of kidney failure.

"They know it's there and they want it," said Virgil Smirnow of the National Kidney Foundation here.

And doctors go to extraordinary lengths to keep patients alive in the hope they can get an artificial kidney.

Dr. Gilbert Eisner, for example, gives Mrs. Kesterson at the Washington Hospital Center the painful and temporary peritoneal dialysis treatment to remove poisons from her system. This 24-hour treatment uses a small tube in her stomach cavity to flush wastes, entails hospitalization and only works for a short time.

"A few years ago, this kind of prolongation of life was not worth it," said Dr. Eisner. "Now, with an artificial kidney, it is."

Some of the pressure for more and better artificial kidney treatment comes from Congress. The National Kidney Foundation office here receives an average of two queries a week from Congressmen whose constituents want to know where they can get treatment.

Relatives of four of the five cases detailed at the beginning of this article said they hoped any articles would trigger donations to help pay for the costly treatments.

The fifth, Mrs. Robert, is so thankful for her lifesaving treatment that she offered to do "anything people ask me to do. People are dying like flies."

George A. Baker, a Washington police detective and the brother of Mrs. Wheaton, organized fund drives here and in his sister's former home in Middlesex, N.J.

"She was so young, we couldn't sit by. We had to try to save her life," he said.

But relatives trying to find money for artificial kidney treatments find themselves on a heart-breaking merry-go-round of rejection.

VERY HARD

"It's very, very hard unless you're a millionaire," said Helen Kelly, mother of 5-year-old Brian.

"I talked to every agency listed in the phone book and some that weren't listed. I couldn't get any money," continued the divorced mother of four other children.

Carol Fleming has called all over the country trying to find a place for her brother, Francis Chesney.

"His will to live is gone. He just feels like he's going to die. He needs all kinds of help and I don't know what to do," she said after visiting her brother last weekend.

Even if funds were available, there are nationwide shortages of facilities and trained physicians to run artificial kidney programs.

Only about 2400 of the 3000 Americans who need artificial kidney treatments in a year get it. In Washington, Smirnow estimated that 300 persons a year need an artificial kidney. Only about 30 of them get the treatment.

Facilities here are limited. Smirnow said Washington is one of the only major metropolitan areas without a large kidney program.

The most active kidney center in the area is run at George Washington University Hospital, where Drs. Alvin E. Parrish and Norman

Kramer have cared for 26 patients in two years.

NOT ADVERTISED

"We haven't advertised the program," said Dr. Parrish. "Not too many people know we're doing it. We don't feel we could handle more patients."

Georgetown University Hospital, which started its program in 1950, concentrates on research and keeping patients alive until they can get a kidney transplant.

Some of their patients, such as Mrs. Robert and Chesney, must go elsewhere if they are to receive long-term, chronic artificial kidney treatment.

Now that the Federal Government has backed away from supporting long-term artificial kidney programs, most of its kidney treatment money goes toward transplant research.

In the long run, transplants may be the best way to treat patients with double kidney failure. There have been about 4000 kidney transplants since 1951, and doctors report that the survival rate is improving.

Current figures show that 90 per cent of the patients who receive kidneys from a brother or sister survive at least two years.

Transplants do not mean the end of artificial kidneys. The machines will still be needed to maintain patients until a donor becomes available.

As much as patients now clamor for artificial kidneys, the treatment does not insure a full and happy life. The record survival is about nine years. A recent study showed that 87 per cent of the patients survived a year on an artificial kidney.

Is it worth it?

Dr. Parrish admitted that he didn't know. "The patients that we have that are doing well think it is. But I don't know if the patients with trouble think it is."

Despite the drawbacks of the treatment, the question of who gets an artificial kidney—really, who shall live and who shall die—presents a painful dilemma for doctors.

Many communities have set up "life and death committees" that weigh such factors as a patient's general medical condition, age, value to the community and family responsibilities.

The George Washington program does not do this. Dr. Parrish said he takes anyone who has the money in the order they apply. And, he helps patients search for the money.

Even so, he admits it is "a bad situation" because it eliminates the very poor.

It also makes it possible for people like Mrs. Robert, who probably would be too old for most programs, and Mrs. Kesterson, who has a multitude of complicating ailments, to receive artificial kidney treatment.

The question of who shall live and who shall die will become more acute in the future, as science turns out more life-prolonging, but expensive tools such as the artificial kidney.

Without the kidney, Mary Kesterson, Arabell Wheaton, Evie Robert and Francis Chesney Jr. will die.

"That's it right there," said Linda Windsor, Mrs. Kesterson's sister.

"She knows if she doesn't get the machine, she's not going to live. If she doesn't get the machine, she just has no hope."

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 8644, Calendar No. 212, was passed, together with the third reading.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill is before the Senate.

Mr. HARRIS. Mr. President, earlier today the Senate passed without objection H.R. 8644, a bill which came from the Committee on Finance. Since then I have been asked by unanimous action of the Committee on Finance to request that the bill come before the Senate for reconsideration so that there may be attached to it a noncontroversial amendment which would extend for an additional 2 years a provision in regard to the payment of the cost of repatriated Americans. The amendment is noncontroversial, and we have attached the amendment each year. The Committee on Finance unanimously recommends this action.

Mr. GRIFFIN. Mr. President, reserving the right to object, has this matter been cleared with the ranking minority member?

Mr. HARRIS. Yes, it has.

Mr. GRIFFIN. I thank the Senator.

Mr. HARRIS. Mr. President, I offer an amendment to the bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

"SEC. ——. Section 1113 (d) of the Social Security Act is amended by striking '1969' and inserting in lieu thereof '1971'."

Mr. HARRIS. Mr. President, in 1961 the Congress added a new section to the Social Security Act authorizing the Secretary of Health, Education, and Welfare to develop plans and make arrangements for providing temporary assistance and care within the United States to U.S. citizens and their dependents who are identified by the Department of State as having returned, or been brought back to this country, because of destitution, illness, war, threat of war, invasion, or similar crisis and are without available resources. Under this legislation, the Federal Government may pay for reception and care when these individuals reach the United States, for helping them to reach a destination within the United States where they have friends or relatives, and for temporary assistance.

The original legislation was limited to 1 year in duration, it has since been extended several times. Under present law, the program is scheduled to expire June 30, 1969.

The 1970 budget contemplates that in fiscal year 1970, temporary assistance will be provided a total of about 500 cases, who have been repatriated because of destitution and sickness. The funds for these cases have been included in the 1970 original and revised budget.

Mr. President, this amendment will extend the program for 2 years, until June 30, 1971. By that time the Congress will have an opportunity to evaluate the program in the overall context of welfare legislation.

Mr. President, I ask that the Senate agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. HARRIS, Mr. WILLIAMS of Delaware, Mr. BENNETT, and Mr. CURTIS, conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HARRIS. I move to lay that motion on the table. The motion to lay on the table was agreed to.

S. 2451—INTRODUCTION OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PROUTY. Mr. President, on behalf of myself, the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from California (Mr. MURPHY), and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), I introduce for the administration a bill to extend, consolidate and improve programs for elementary and secondary education. Since passage of the Elementary and Secondary Education Act in 1965, this body has consistently stood behind this statute which has done so much to aid the education of schoolchildren throughout the country. Authorization of this act will expire shortly, and this bill provides the needed extension and changes to keep it a strong and viable means for aiding education in elementary and secondary schools.

The bill I introduce for the administration consolidates several existing programs under a new title VIII of ESEA that will simplify the administration and operation of several related programs. Those included are titles II and III of ESEA and titles III–A and V–A of the National Defense Education Act of 1958, as well as section 12 of the National Foundation on the Arts and Humanities Act of 1965. These are all State grant

programs which provide school library resources, textbooks, testing, guidance, and counseling, and supplementary educational centers and services. The States will now administer only one allocation for these purposes, determine their own needs and priorities, and thus provide better utilization of the Federal resources that they receive.

Additionally, more efficient State administration of federally assisted programs will be made possible by consolidating administration funds for any two or more education programs carried on within a State.

In extending title I of ESEA, this bill insures the continued success of the largest and most important Federal education program. The purpose of title I is to provide compensatory education for economically deprived children. Through this program supplemental funds are added to State and local efforts, giving additional redress to poor children who seek equal educational opportunities and ultimately, a chance to develop fully as self-reliant and effective citizens. In fiscal 1969, title I provided $1.12 billion for this purpose, and the continuation of this investment in the education of our poor citizens is essential to the future of this country.

The bill provides specific changes for assistance to children in institutions and a new system of State grants for migratory children based on the number of children actually served during a year. Additionally, the bill provides for use of the most recent data available for purposes of determining allocations under title I. This provision is important because unless the title I formula is changed to accommodate principles of advance funding, school districts will not have adequate time to plan their activities in advance of an academic year. Past experience has shown that educational gains can only be achieved through carefully planned and implemented programs. When differences exist between the Government fiscal year and the academic year, such planning is not always possible because schools have not yet received funds and may not even know the approximate amount to be received.

The bill also extends title V of ESEA, which has done a good job of improving the administrative capabilities of State educational agencies, and title VI, which has supplied resource centers and services to handicapped children. As the original sponsor of legislation for Early Education Assistance to the Handicapped, I am particularly pleased that extension of this title will now make it coterminous with all other titles of ESEA.

Extension of title VI will allow continued research in this area, as well as continued recruitment and training of teachers and physical training therapists. I would like to note an amendment to title VI included in this bill which will now allow for training of paraprofessionals in the handicapped field. This is an important change if we are to attempt to meet the need for trained personnel in the education of the handicapped.

Title VII, which provides bilingual education programs, is extended by this bill and amended to provide for the inclusion of Indians on reservations. These children, now trained in schools operated by the Bureau of Indian Affairs in the Department of the Interior, have long been neglected by many acts of the Federal Government. Their need for bilingual education is great, and this amendment will make them eligible under title VII for the first time.

The dropout prevention program, which seeks to develop systems for keeping potential dropouts in school, is redesignated as title IX—instead of VIII—and extended for 2 years. The bill also provides for the involvement of parents and community representatives in developing and operating programs through local advisory committees.

This bill extends programs of aid to federally impacted areas under Public Law 815 and Public Law 874. Originally passed in 1950, these programs provide aid to areas whose tax base is hurt by Federal Government installations. The bill includes an amendment to allow priority to go to entitlements due to category "A" children, since these are the families which use local school facilities but live and work on Federal property, thus creating a burden on the local resources. Priority to entitlements because of "A" children will enable those districts which are heavily impacted to receive the sums for which they are eligible before remaining funds are divided by districts where there is lesser impact of "B" category children.

Finally, the bill extends the Adult Education Act of 1966. It also authorizes joint funding of projects between the Office of Education and other agencies. This bill will thus extend and improve the range of programs in support of elementary and secondary education which Congress has passed over the years. Today the need for these programs is even greater than it was when first mandated by Congress, and I urge my colleagues to join in supporting their extension.

Mr. President, following my remarks I would like to have printed in the RECORD several documents related to this bill. I hereby ask that this bill be appropriately referred and I ask unanimous consent for insertion into the RECORD the full content of this bill, a section-by-section analysis of the bill, and a comparison of three bills now pending that would amend the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, the documents, analysis, and comparison will be printed in the RECORD.

The bill (S. 2451), to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2451

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 "Elementary and Secondary Education Amendments of 1969".

TITLE I—CONSOLIDATION OF PROGRAMS

PART A—CONSOLIDATION OF TITLES II AND III OF ELEMENTARY AND SECONDARY EDUCATION ACT, TITLES III–A AND V–A OF NATIONAL DEFENSE EDUCATION ACT, AND SECTION 12 OF ARTS AND HUMANITIES ACT

SEC. 101. The Elementary and Secondary Education Act of 1965, is amended by redesignating title VIII (and references thereto in that Act or elsewhere) as title IX and by renumbering sections 801 through 807 (and references thereto in that Act or elsewhere) as sections 901 through 907, respectively, and by inserting after title VII the following new title:

"TITLE VIII—CONSOLIDATION OF SPECIAL STATE-GRANT PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 801. (a) The Commissioner shall carry out a program for making grants to the States for the uses and purposes set forth in section 803 of this title.

"(b) For the purpose of making grants under this title, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

"ALLOTMENTS TO STATES

"SEC. 802. (a) (1) There is authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 801(b). From the amount appropriated for any fiscal year pursuant to the preceding sentence the Commissioner shall allot (A) among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands an amount determined by him according to their respective needs for assistance under this title, and (B) to (i) the Secretary of the Interior the amount necessary to provide programs and projects for the purposes of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 801(b), the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the number of children aged five to seventeen, inclusive, in that State bears to the total number of such children in all the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than its aggregate base year allotment shall be increased to an amount equal to such aggregate, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being reduced to less than its aggregate base year allotment. For the purposes of this subsection, (A) the term 'aggregate base year allotment' with respect to a State means the sum of the allotments to that State for the fiscal year ending June 30, 1969, under titles II and III of this Act, part A of title III and part A of title V of the National Defense Education Act of 1958, and section 12 of the

National Foundation on the Arts and the Humanities Act of 1965, as then in effect; (B) the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and (C) the number of children aged five to seventeen, inclusive, in each State and in all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 801 shall be deemed part of its allotment under subsection (a) for such year.

"USES OF FEDERAL FUNDS

"SEC. 803. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications required by the provisions and requirements of this title, the programs formerly authorized by titles II and III of the Elementary and Secondary Education Act of 1965, by titles III–A and V–A of the National Defense Education Act of 1958, and by section 12 of the National Foundation on the Arts and the Humanities Act of 1965, and, except as expressly provided otherwise by the this title, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs as were previously authorized by those titles and that section.

"(b) Grants under this title may be used, in accordance with State plans approved under section 806, for—

"(1) the provision of school library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audio-visual equipment and materials, for the use of children and teachers in public and private elementary and secondary schools of the State;

"(2) the provision of supplementary educational centers and services, including construction of public facilities when necessary, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models of regular public and private school programs; and

"(3) programs for testing students in the public and private elementary and secondary schools in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

"(c) In addition to the uses specified in subsections (a) and (b), funds appropriated for carrying out this title and allotted to any State may, subject to the limitations specified in section 808, be used for—

"(1) proper and efficient administration of the State plan;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the State advisory council authorized by this title in carrying out its responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"PARTICIPATION OF PUPILS AND TEACHERS IN NONPUBLIC SCHOOLS

"SEC. 804. (a) Except with respect to uses described in section 803(c), funds appropriated pursuant to section 801 shall be utilized only for programs which to the extent consistent with law provide for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State.

"(b) In order to facilitate the policy set forth in subsection (a) the State educational agency shall take appropriate action to provide liaison with private elementary and secondary school officials in the State.

"PUBLIC CONTROL OF LIBRARY RESOURCES, AND INSTRUCTIONAL EQUIPMENT AND TYPES WHICH MAY BE MADE AVAILABLE; PROHIBITION OF USE FOR RELIGIOUS INSTRUCTION OR WORSHIP

"SEC. 805. (a) Title to Library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audiovisual equipment and materials, furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

"(b) The library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audiovisual equipment and materials, made available pursuant to this title for use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State, and provision for the participation of private school pupils and teachers shall not include the construction or remodeling of private school facilities or the placement or use, on private school premises, of equipment under such circumstances that it becomes a fixture.

"(c) The library resources, textbooks, instructional materials and equipment, and educational services of all kinds made available pursuant to this title shall be used only for secular purposes and for instruction in secular studies and the use of such resources, textbooks, materials and equipment, or educational services for religious instruction or in connection with religious worship is expressly prohibited.

"STATE PLANS

"SEC. 806. (a) Any State which desires to receive grants under this title for any fiscal year shall submit to the Comissioner, through its State educational agency, a State plan for such year, in such detail as the Commissioner deems necessary, which sets forth an annually updated long-range program (covering such period, not less than 3 nor more than 5 years beginning with the fiscal year for which approval is sought, as the Commissioner may deem necessary) for carrying out the purposes of this title and describes how such programs will be carried out for the year involved, and which—

"(1) designates the State educational agency (which may act either directly or through arrangements with other State or local public agencies) as the sole agency for administration of the State plan;

"(2) provides that funds paid to the State from its allotment under section 802 will be expended solely for the purposes set forth in section 803 and only by public agencies and, in the case of supplementary educational centers and services (except for expenditures for uses specified in section 803(c)), only through grants to local educational agencies: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those that would be required of a local educational agency to which this proviso is inapplicable;

"(3) provides assurance satisfactory to the Commissioner that the requirements of sections 804 and 805 will be effectively carried out and sets forth in such detail as the Commissioner may deem necessary the criteria, methods, and procedures to be utilized in meeting these requirements;

"(4)(A) provides (i) estimates of the respective portions of the State's allotment under section 802 for the fiscal year involved that will be used for each of the activities specified in section 803(b), and (ii) estimates of any expenditures for that fiscal year from State and local sources for like purposes, and (B) in the case of a State plan for the fiscal year ending June 30, 1971, provides satisfactory assurance that the funds allocated for each of the uses authorized by section 803 (b) from the State's allotment for such year shall not be less than 50 per centum of the State's allotment for the fiscal year ending June 30, 1969, for each such use under titles II and III of the Elementary and Secondary Education Act of 1965, titles III–A and V–A, including section 1008, of the National Defense Education Act of 1958, and section 12 of the National Foundation on the Arts and the Humanities Act of 1965, respectively.

"(5) provides that not less than 15 per centum of funds allocated for supplementary educational centers and services shall be used for special programs or projects for the education of handicapped children;

"(6)(A) sets forth principles and criteria for achieving an equitable distribution of assistance under the State plan, and for determining the priority of applications in the State for such assistance, giving appropriate consideration to (i) the geographic distribution and density of population within the State, and (ii) the relative need of children and teachers in different geographic areas and within different population groups in the State for the services, materials, and equipment provided under this title, and (B) provide for approving such applications in the order of priority so determined;

"(7) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of programs and projects supported under the State plan, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(8) is accompanied by the certification of the chairman of the State advisory council established pursuant to the requirements of section 807(b);

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used by the recipients of grant awards of the State agency as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner by regulation) that would, in the absence of such Federal funds, be made by such recipients for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including any such funds paid by the

State to any other public agency) under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (7), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final adverse action with respect to any grant application (or amendment thereof) of a local educational agency or agencies shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(b)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public by the State agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons. The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under subsection (a) (or administering the part of a State plan approved under subsection (b)), finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of this title governing the approval of the plan, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirement set forth in the application of a local educational or other public agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or projects under, or parts of, the State plan not affected by the failure, or that the State educational agency shall not make further payments under this title to specified local or other public educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this title (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this title shall be limited to local or other public educational agencies not affected by the failure, as the case may be).

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2) of this subsection with respect to a plan approved by him under subsection (a), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The Court shall have jurisdiction to affirm the action of the Commisioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"STATE ADVISORY COUNCIL

"Sec. 807. (a) Any State desiring to receive payments under this title shall establish a State Advisory Council (hereinafter in this section referred to as 'the Council') which shall—

"(1) be appointed by the Governor or, in the case of a State in which there is a State educational agency headed by a board whose members are elected (including election by the State legislature), then by such board, and be broadly representative of the cultural and educational resources of the State, including but not limited to persons representative of—

"(A) public elementary and secondary schools,

"(B) private elementary and secondary schools,

"(C) urban education,

"(D) rural education,

"(E) higher education, including junior and community colleges,

"(F) the State library system,

"(G) areas of professional competence in dealing with children needing special education because of physical or mental handicaps; and

"(H) the general public;

"(2) advise the State educational agency on the preparation, and policy matters arising in the administration, of the State plan, including development of criteria for the allocation of funds within the State and the approval of applications under such State plan;

"(3) assist the State educational agency in evaluating programs and projects aided under this title;

"(4) prepare, and submit through the State educational agency to the Commissioner and to the National Advisory Council established pursuant to section 810, a report of its activities and recommendations, together with such additional comments as the State educational agency may deem appropriate, at such times, in such form, and in such detail as the Secretary may prescribe; and

"(5) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall not approve a State plan submitted under section 806 unless it is accompanied by a certification of the Chairman of the Council that such plan has been reviewed by the Council. Such certification shall be accompanied by such comments as the Council or individual members thereof deem appropriate, and shall indicate whether the plan meets with the approval of the Council and, if not, the reasons for its disapproval. In the event of the disapproval of a State plan by the Council, the Commissioner shall not approve such plan until he has afforded the Council or its designated representative an opportunity for a hearing.

"PAYMENTS TO STATES

"Sec. 808. (a)(1) From each State's allotment under section 802 (or the part thereof made available to the State under section 806(b)) for any fiscal year the Commissioner shall pay to that State, if it has in effect a State plan approved pursuant to section 806 for that fiscal year, an amount equal to the amount expended by the State for the uses referred to in section 802 (a) and (b) in accordance with its State plan.

"(2) The Commissioner is further authorized to pay each State, from its allotment for any fiscal year, amounts necessary for the activities described in section 803(c), except that the total of such payments pursuant to this paragraph shall not exceed 7½ per centum of its allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(3) Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(b) In any State which has a State plan approved under section 806 and in which no State agency is authorized by law to provide library resources, textbooks, other printed and published instructional materials, or laboratory and other instructional equipment, including audiovisual equipment and materials, for the use of children and teachers in any one or more private elementary or secondary schools in such State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, other instructional materials, laboratory and other instructional equipment, or audiovisual equipment and material for such use and shall pay the cost thereof out of that State's allotment.

"(c)(1) In any State which has a State plan approved under section 806 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, testing, or counseling and guidance services to, or to provide for effective participation in the use of supplementary educational centers and services by, children enrolled in any one or more private elementary or secondary schools in the State, the Commissioner shall arrange for the provision on the equitable basis of such service or services and shall pay the cost thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such services through contracts with institutions of higher education or other competent institutions or organizations, or by other appropriate methods.

"(2) In determining the amount to be withheld under subparagraph (1) from any State's allotment for the provision of such services, the Commissioner shall take into account the number of children in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"Sec. 809. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the

facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 810. (a) The President shall, by March 31, 1970, appoint a National Advisory Council on Educational Assistance which shall—

"(1) review the administration of, general regulations for, and operation of, this title, including its effectiveness in meeting the purposes set forth in section 803;

"(2) review, evaluate, and transmit to the Congress and the President its evaluation of the reports submitted pursuant to sections 806(a)(11) and 807(a)(4);

"(3) evaluate programs and projects carried out under this title, and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States, including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years, except that (1) in the case of the initial members four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than March 31 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"LABOR STANDARDS

"SEC. 811. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"DEFINITION OF 'EQUIPMENT'

"SEC. 812. As used in the phrase 'laboratory and other instructional equipment, including audiovisual equipment and materials', and as otherwise used in this title, the term 'equipment' means, subject to the limitations specified in section 805, equipment and materials (other than supplies consumed in use) suitable for use in elementary or secondary schools in providing academic instruction, and test-grading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and, in case of public schools, minor remodeling of laboratory or other space used for such materials or equipment."

REPEALS, AND TRANSITIONAL PROVISIONS FOR CONSOLIDATED PROGRAM

SEC. 102. (a)(1) During the fiscal year ending June 30, 1970, funds allotted to any State by the Commissioner of Education for such year under the programs referred to in section 803 (as enacted by section 101 of this Act) of the Elementary and Secondary Education Act of 1965 and available for expenses of administration (including expenses of advisory councils) of such programs, may, with the approval of the Commissioner, be used by the State for necessary expenses during such year for the preparation of a State plan, to be submitted to the Commissioner under section 806 of that Act for the fiscal year ending June 30, 1971, and for the establishment of a State advisory council pursuant to section 807 of such Act and its expenses in advising on the preparation of the State plan.

(2) There is hereby authorized to be appropriated to the Office of Education $60,000 for the fiscal year ending June 30, 1970, for planning and other preparatory activities of the Commissioner for the consolidated program enacted by section 101 of this Act, including review of an action on State plans submitted in that fiscal year for the succeeding fiscal year and including establishment and activities of the National Advisory Council on Educational Assistance.

(b) Effective July 1, 1970, the titles, or portions of titles, of Acts cited in section 803(a) of the Elementary and Secondary Education Act as enacted by this Act, and the second sentence of section 103(h) of the National Defense Education Act of 1958, are repealed.

CONFORMING AMENDMENT

SEC. 103. The definition section of the Elementary and Secondary Education Act of 1965, redesignated as section 901 of that Act by section 101 of this Act, is amended by striking out "and VII" and inserting in lieu thereof ", VII, and VIII", and this title, in the introductory phrase of that section and in paragraph (j) thereof.

PART B—AUTHORIZATION FOR CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS

SEC. 111. Title IV of the Elementary and Secondary Education Amendments of 1967 (Public Law 247, Ninetieth Congress), as amended by section 301 of Public Law 576, Ninetieth Congress, is amended (1) by striking out "AND EVALUATION" in the caption and inserting in lieu thereof ", EVALUATION, AND CONSOLIDATION OF ADMINISTRATIVE FUNDS" and (2) by inserting at the end thereof the following new section:

"CONSOLIDATION OF FUNDS FOR STATE ADMINISTRATION OF FEDERALLY ASSISTED PROGRAMS

"SEC. 407. (a) Notwithstanding any other provision of law unless enacted after the date of enactment of this section expressly in limitation of this section, the Commissioner may, upon application of a State educational agency administering or supervising the administration of any programs for which grants are authorized under any Act referred to in section 401, make a consolidated grant of Federal funds available for administration, by such agency, of any two or more such programs.

"(b) Funds paid under such a consolidated grant may be expended by the State educational agency only for the proper and efficient administration of the programs to which such funds relate but such agency shall not be required to account for the expenditure of such funds separately with respect to each such program.

"(c) The Commissioner shall not approve an application pursuant to subsection (a), unless he finds that the State educational agency making the application is prepared properly and efficiently to administer all of the programs with respect to the administration of which such application relates. Such agency shall undertake to provide such reports, in such form, and containing such information as the Commissioner may reasonably require to carry out his functions under this section and to keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(d) Prior to the end of any period for which such consolidated grant is available, the Commissioner may, in accordance with regulations, transfer to the several Federal appropriations in proportion to the contribution made from each to such grant, any excess of such grant over the amount determined to be necessary for the purposes of such grant. Any unexpended balance in such grant not so transferred shall, at the end of such period, revert to the general fund of the Treasury.

"(e) For the purposes of this section the term 'administration of a program' includes administration of a State plan (or its equivalent) approved by the Commissioner, including the activities of a State advisory council when authorized by an Act pursuant to which funds included in the consolidated grant have been made available, and including evaluation of plans, programs, and projects, and the dissemination of the results of such evaluation."

TITLE II—EXTENSION OF, AND OTHER AMENDMENTS TO, TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 201. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972."

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "the three succeeding fiscal years".

(c) The third sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1968, and the fiscal year ending June 30, 1969,".

(d) The second sentence of section 103(c) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "years ending June 30, 1968, June 30, 1969, and June 30, 1970," and inserting in lieu thereof "year ending June 30, 1968, and for each succeeding fiscal year,".

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 202. Section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph,

upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency which does assume such responsibility shall be eligible to receive such portion of the allocation."

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE NUMBER TO RE SERVED

SEC. 203(a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: "A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agricultural workers to be served, for establishing or improving programs for such children."

(b) The second sentence thereof is amended by striking "shall be" the first time it appears and inserting in lieu thereof "may be made"; and by inserting immediately before the period in such second sentence the following: ", except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c)(2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States".

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 204. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination".

(e) Section 103(c) of such title is amended by inserting the following after "during the second fiscal year preceding the fiscal year for which the computation is made": "(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)".

MINIMUM GRANT ALLOWANCE TO LOCAL EDUCATIONAL AGENCIES

SEC. 205. Section 105(a)(1) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "$2,500" wherever it appears and inserting in lieu thereof "$10,000".

CONTENT OF STATE AND LOCAL EDUCATIONAL AGENCY REPORTS

SEC. 206. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting "and of research and replication studies" immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting "(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)" after "such information".

STAGGERED TERMS FOR NATIONAL ADVISORY COUNCIL ON EDUCATION OF DISADVANTAGED CHILDREN; TECHNICAL ASSISTANCE

SEC. 207. (a) Section 134(a) of such title is amended by striking out, "within ninety days after the enactment of this title,".

(b) Subsection (b) of such section is amended by inserting after the first sentence thereof the following new sentence: "Such members shall be appointed for terms of three years, except that (1) in the case of the initial members appointed after January 20, 1969, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only."

(c) Subsection (e) of such section is amended by striking out "annual report" and inserting in lieu thereof "annual reports" and by striking out "to be made no later than January 31, 1969".

TITLE III—EXTENSION OF, AND AMENDMENTS TO, OTHER PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT AND ACTS RELATED TO EDUCATION OF THE HANDICAPPED

PART A—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

PROVISIONS TO ASSURE PARTICIPATION BY ALL ELIGIBLE STUDENTS

SEC. 301. Section 307 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) In any State which has a State plan approved under section 305 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this part by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate."

PART B—EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 310. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "each for the fiscal years ending June 30, 1969, and June 30, 1970" and inserting in lieu thereof "for each of the fiscal years ending before July 1, 1972".

PART C—EXTENSION AND AMENDMENT OF TITLE VI OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 AND OF OTHER ACTS RELATING TO EDUCATION OF THE HANDICAPPED

EXTENSION OF TITLE VI–A OF THE ACT

SEC. 320. (a) Section 602 of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and for each of the two succeeding fiscal years".

(b) Section 603(a)(1)(B) of such Act is amended by striking out "for the fiscal year ending June 30, 1968, and the succeeding fiscal year,".

EXTENDING AUTHORITY FOR REGIONAL RESOURCE CENTERS FOR THE IMPROVEMENT OF THE EDUCATION OF HANDICAPPED CHILDREN

SEC. 321. Section 608(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 322. Section 609(j) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

RECRUITMENT OF PERSONNEL AND INFORMATION ON EDUCATION OF THE HANDICAPPED

SEC. 323. Section 610(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "two" and inserting in lieu thereof "four".

EXTENSION OF HANDICAPPED CHILDREN'S EARLY EDUCATION ASSISTANCE ACT

SEC. 324. Section 5 of Public Law 90–538 (Handicapped Children's Early Education Assistance Act) is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972".

EXTENSION OF AUTHORIZATION FOR GRANTS FOR TEACHING IN THE EDUCATION OF HANDICAPPED CHILDREN; TRAINING OF SUBPROFESSIONAL PERSONNEL

SEC. 325. (a) Section 7 of the Act of September 6, 1958 (Public Law 926, Eighty-fifth Congress, 20 U.S.C. 617), is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

(b) The second sentence of the first section of such Act (20 U.S.C. 611) is amended (1) by striking out "professional or advanced" before "training", and (2) by striking out "specialists" before "providing special services" and inserting in lieu thereof "special personnel".

EXTENSION OF AUTHORIZATION FOR RESEARCH IN EDUCATION OF THE HANDICAPPED

SEC. 326. The first sentence of section 302(a) of the Act of October 31, 1963 (Public Law 164, Eighty-eighth Congress, 20 U.S.C. 618), is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

EXTENSION OF AUTHORIZATIONS AND TECHNICAL AMENDMENTS IN PROVISIONS FOR TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

SEC. 327. (a)(1) Section 501(b) of the Act of October 31, 1963 (Public Law 164, Eighty-eighth Congress, 42 U.S.C. 2698), is amended by inserting after "1970," the following "and for each of the two succeeding fiscal years,".

(2) Section 501(a) of such Act is amended by striking out "professional or advanced" before "training", and by inserting "educators or" before "supervisors".

(b)(1) Section 502(a)(1) of such Act 42 U.S.C. 2698a) is amended by striking out "two" and inserting in lieu thereof "four".

(2) Section 502(a)(1) of such Act is further amended by (A) striking out so much of the sentence as follows "organizations," and (B) inserting in lieu thereof "and to make contracts with States, State or local educational agencies, public and private institutions of higher learning, and other public or private educational or research agencies and organizations, for research and related purposes (as defined in section 302(i) of this Act) relating to physical education or recreation for mentally retarded and other handicapped children (as defined in section 302(a) of this Act), and to conduct research,

surveys, or demonstrations relating to physical education or recreation for such children".

PART D—EXTENSION AND AMENDMENT OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF BILINGUAL EDUCATION PROGRAMS

SEC. 330. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and for each of the two succeeding fiscal years".

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 331. (a) Section 705 of the Elementary and Secondary Education Act of 1965 is amended by redesignating subsection (c) as subsection (d) and by inserting the following new subsection immediately after subsection (b):

"(c) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702"

(b) Section 706(a) of such Act is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 705(c)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

SEC. 332. The first sentence of section 707 (a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "nine" and inserting in lieu thereof "fifteen".

PART E—EXTENSION AND AMENDMENT OF TITLE IX (FORMERLY VIII) OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF AUTHORIZATION FOR DROPOUT PREVENTION PROGRAMS

SEC. 341. Subsection (c) of the section redesignated as section 907 of the Elementary and Secondary Education Act of 1965 by section 101 of this Act is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

INVOLVEMENT OF PRIVATE SCHOOL OFFICIALS IN PROGRAMS IN WHICH PRIVATE SCHOOL CHILDREN PARTICIPATE

SEC. 342. (a) The title of such Act redesignated as title IX by section 101 of this Act is further amended by adding at the end thereof the following new section:

"PARTICIPATION OF PUPILS AND TEACHERS IN NONPUBLIC SCHOOLS

"SEC. 908. In the case of any title or part of this Act which provides for grants to local educational agencies for programs or projects upon approval of the State educational agency and provides for the participation of private school children or teachers in the benefits of such programs or projects, the State plan or application shall provide satisfactory assurance that the State educational agency will, in approving applications of local educational agencies, assure that in the planning of such programs and projects there has been, and in the establishment and carrying out there will be, suitable involvement of private school officials in the area to be served by such programs or projects."

(b) The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after June 30, 1970.

PROVISIONS WITH RESPECT TO PARENTAL AND COMMUNITY INVOLVEMENT

SEC. 343. Clause (2) of subsection (c) of the section redesignated as section 903 of the Elementary and Secondary Education Act of 1965 by section 101 of this Act is amended by inserting "(A)" after "authorities" and by inserting the following immediately before the period at the end thereof: "; (B) to involve parents and community representatives in the development and operation of such programs and projects through a local advisory committee or other appropriate means; and (C) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large".

TITLE IV—EXTENSION AND AMENDMENT OF IMPACTED AREAS PROGRAMS

EXTENSION OF IMPACTED AREAS PROGRAMS

SEC. 401. (a)(1) Section 3 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

(2) Section 15(15) of such Act is amended by striking out "1965–1966" and inserting in lieu thereof "1967–1968".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1970" wherever it occurs and inserting in lieu thereof "1972".

EXTENSION OF SCHOOL ASSISTANCE IN DISASTER AREAS

SEC. 402 (a). Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

(b) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

PRIORITY FOR CATEGORY "A" CHILDREN IN DISTRIBUTION OF FUNDS UNDER PUBLIC LAW 874

SEC. 403(a). Subsection (c) of section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting "(1)" immediately after "(c)", and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of such insufficiency of funds for any fiscal year, the entitlements of local educational agencies with respect to children determined under subsection (a) of section 3 shall be fully satisfied prior to allocation of such funds with respect to entitlements under other provisions of this title (except section 6). Adjustments in the allocation of funds required by paragraph (1) with respect to section 3 (and computations required with a view to such adjustments) shall be made only with respect to children determined under subsection (b) of such section."

(b) The first sentence of section 5(c) of such Act is amended by striking out "If the funds appropriated for a fiscal year" and substituting in lieu thereof "Except as provided in paragraph (2), if the funds appropriated for a fiscal year".

(c) The amendments made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

TITLE V—MISCELLANEOUS

EXTENSION OF ADULT EDUCATION PROGRAM

SEC. 501. Section 314 of the Adult Education Act of 1966 (title III of Public Law 89–750) is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

INCREASE IN ADVISORY COMMITTEE MEMBERSHIP—COMMISSIONER NOT TO BE EX OFFICIO CHAIRMAN

SEC. 502. Section 310(b) of the Adult Education Act of 1966 (title III of Public Law 89–750) is amended by striking out "eight members consisting of the Commissioner of Education, who shall be Chairman, and seven other members", and inserting in lieu thereof "fifteen members, consisting of a chairman, designated by the President, and fourteen other members".

JOINT FUNDING

SEC. 503. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education and one or more other Federal agencies for any project or activity funded in whole or in part under a statute for the administration of which the Commissioner of Education has responsibility (either as provided by statute or by delegation), any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

AMENDMENTS TO TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967 PROVIDING FOR EVALUATION OF EDUCATION PROGRAMS

SEC. 504. (a) Section 402 of the Elementary and Secondary Education Amendments of 1967 (Public Law 247, Ninetieth Congress) is amended—

(1) by inserting "(a)" after "Sec. 402.";

(2) by striking out "(1)" before "planning", and striking out "and (2) evaluation of programs or projects so authorized"; and

(3) by inserting the following new subsection at the end of such section:

"(b) Such portion as the Secretary may determine, but not more than 1 per centum, or any appropriation for grants, contracts, or other payments under any Act referred to in section 401 for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs authorized by any such Act, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b) The amendments made by subsection (a) shall apply to appropriations for fiscal years ending after June 30, 1969.

AUTHORIZATION TO PROVIDE TECHNICAL AND OTHER ASSISTANCE TO FACILITATE CONSOLIDATION OR SIMPLIFICATION OF APPLICATIONS, REPORTS, AND EVALUATIONS

SEC. 604. Sec. 303(a)(5) of Public Law 90–576 is amended to read as follows:

"(5)(A) may upon request provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education undertaking to initiate or expand programs or projects (1) in order to enhance the quality, increase the depth, or broaden the scope of such programs or projects or (ii) in order to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures with respect to such programs or projects, and (B) shall inform such agencies and institutions of the availability of assistance pursuant to this clause;".

CLARIFYING AMENDMENT TO VOCATIONAL EDUCATION ACT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 605. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by

inserting after "members of the State board are elected" the following: "(including election by the State legislature)".

The material presented by Mr. PROUTY follows:

SECTION-BY-SECTION ANALYSIS OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

TITLE I—CONSOLIDATION OF PROGRAMS

Part A—Consolidation of titles II and III of Elementary and Secondary Education Act, titles III–A and V–A of National Defense Education Act, and section 12 of Arts and Humanities Act

Section 101 of the bill would amend the Elementary and Secondary Education Act of 1965 by redesignating title VIII (and references thereto in that act or elsewhere) as title IX, by making appropriate changes in the section numbering, and by inserting after title VII a new title VIII.

TITLE VIII—CONSOLIDATION OF SPECIAL STATE GRANT PROGRAMS

Section 801. Appropriations Authorized: This section of the new title would authorize the Commissioner to carry out a program for making grants to the States for the uses and purposes set forth in section 803 of the title.

This section would also authorize the appropriation of such sums as may be necessary for the purpose of making such grants for the fiscal years ending June 30, 1971 and June 30, 1972.

Section 802. Allotments to States: This section of the new title would provide for the appropriation, for each fiscal year, of an amount equal to not more than 3 per cent of the sums appropriated for payments to States. From this amount, allotments may be made to the Secretary of the Interior to provide programs and projects, under the new title, for individuals on reservations serviced by the Department of the Interior and to the Secretary of Defense for the benefit of children and teachers in overseas dependents schools of the Department of Defense. Allotments for the benefit of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands are also to be made from this amount.

The section would further direct the Commissioner to allot to each State from the sums appropriated for carrying out the new title, an amount which bears the same ratio to the total of such sums as the number of children, aged 5 to 17, inclusive, in that State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. The amount allotted to a State may, however, not be less than its aggregate base year allotment, defined as the sum of allotments to the State for the fiscal year ending June 30, 1969 under titles II and III of the Elementary and Secondary Education Act and title III–A and V–A of the National Defense Education Act and section 12 of the National Foundation on the Arts and the Humanities Act.

Subsection (b) of this section would authorize reallotment of portions of a State's allotment which the Commissioner determines will not be required by the State for a fiscal year.

Section 803. Uses of Federal Funds: This section states the purpose of the new title—to combine within a single authorization the program formerly authorized by titles II and III of the Elementary and Secondary Education Act, titles III–A and V–A of the National Defense Education Act, and section 12 of the National Foundation on the Arts and the Humanities Act. It also states that, except as expressly provided otherwise by the title, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs as were previously authorized by those titles and that section.

Subsection (b) of this section specifies that grants under approved States plans may be used for—

(1) the provision of school library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials for the use of children and teachers in public and private elementary and secondary schools of the State;

(2) the provision of supplementary educational centers and services, including construction of public facilities when necessary, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models of regular public and private school programs; and

(3) programs for testing students in the public and private elementary and secondary schools in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

Subsection (c) authorizes the use of appropriated funds for State plan administration, obtaining technical, clerical, and professional assistance, and evaluation of plans, programs and projects, and dissemination of the results thereof.

Section 804. Participation of pupils and teachers in non-public schools: The section of the new title requires that programs thereunder provide, to the extent consistent with law, for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools. To facilitate this policy, the State educational agency (SEA) must provide liaison with private elementary and secondary school officials in the State.

Section 805. Public control of library resources and instructional equipment and types which may be made available; prohibition of use for religious instruction or worship: This section states requirements for public control of materials and equipment and restrictions on their use, including the following:

(a) Title to library resources, books, materials, and equipment furnished under the consolidated title, and control and administration of their use, must vest in a public agency.

(b) Such resources, books, etc., must have been approved by an appropriate SEA or LEA for use, or must be used, in a public elementary or secondary school of the State. Construction or remodeling of private school facilities is prohibited, and equipment may not be placed on private school premises under such circumstances that it becomes a fixture.

(c) Such resources, books, etc., may be used only for secular purposes and for instruction in secular studies and their use for religious instruction or worship is prohibited.

Section 806. State plans: This section of the new title provides that a State desiring to receive a grant under the consolidated title must for each fiscal year submit to the Commissioner a State plan which sets forth an annually updated long-range program for carrying out the purposes of the title and which—

(1) designates the SEA as the sole administering agency;

(2) assures that funds be expended only by public agencies for purposes named in the title; in the case of supplementary educational centers and services, such funds may be expended only through grants to local educational agencies;

(3) assures adherence to provisions for participation of private school children and teachers and to the limitations of § 805;

(4) provides estimates of the respective portions of the State's allotment that will be used for each of the principal components of the consolidated program and of expenditures for like purposes from State and local sources and assures that, for the fiscal year 1971, funds allotted for each eligible use will not be less than 50 per cent of the State's fiscal year 1969 allotment for such use under the programs consolidated in the new title;

(5) provides that, of the funds used for supplementary educational centers and services, 15 per cent will be set aside for education of handicapped children;

(6) sets forth principles for equitable distribution of assistance under the State plan, and for determining the priority of applications in the State for such assistance, giving appropriate consideration to geographic distribution and population density and the relative need of children and teachers in different geographic areas and within different population groups in the State for the services, materials, and equipment provided under the title;

(7) makes provision for effective procedures for evaluation, dissemination, and adoption of promising educational practices;

(8) is accompanied by the certification of the State advisory council;

(9) (10) (11) contains assurances with respect to non-commingling of Federal and State funds and maintenance of effort and provisions for fiscal and accounting procedures, reports, and record keeping;

(12) assures notice and hearing to local educational agencies before final adverse action with respect to a grant application; and

(13) assures that grants under the consolidated title will not be taken into account in determining the eligibility of any LEA for State aid.

Section 806(b) requires that, prior to submission of the State plan to the Commissioner, the State agency shall make the plan public and afford interested persons a reasonable opportunity for comment. The State agency is also required to make public the plan as finally approved. Notice and hearing must be afforded the State educational agency before the Commissioner finally disapproves a plan or any modification thereof.

Subparagraph (2) of section 806(b) makes provision for suspension of payments in case the State plan has been so changed that it no longer complies with the requirements of the title or, in the administration of the plan, there is a failure to comply substantially with any provision of the title or with any requirement set forth in the approved application of an LEA or other public agency. Subparagraph 3 provides for judicial review of action by the Commissioner with respect to State plan approval or suspension of payments.

Section 807. State Advisory Council: This section requires a State desiring payments under the new title to establish a State Advisory Council to be appointed by the Governor or, in the case of a State in which there is a State educational agency headed by an elected board, by such board. The council must be broadly representative of the cultural and educational resources of the State, including, but not limited to, persons representative of public and private elementary and secondary schools, urban education, rural education, higher education, the State library system, areas of professional competence in education of the handicapped, and the general public.

The council would be authorized to advise the SEA regarding the preparation and administration of the State plan, to assist the SEA in evaluation of programs and projects, and to prepare and submit reports of its activities and recommendations.

The Commissioner may not approve a plan unless it is accompanied by a certification of the Council that it has reviewed the plan; if the Council disapproves the plan, the Commissioner must afford it an opportunity for a hearing.

Section 808. Payments to States: This section authorizes the Commissioner to pay to each State having an approved plan, for its allotment, amount expended for authorized uses in accordance with the plan, except that payments for State plan administration, technical assistance, and evaluation may not exceed 7½ per cent of the State's allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

This section also provides that, in any State which has an approved State plan and in which no State agency is authorized by law to provide library resources, books, equipment and materials for the use of children and teachers in any one or more private elementary or secondary schools in the State, the Commissioner shall arrange for such provision and pay for it out of the State's allotment.

The section further provides that, in any State which has an approved plan, and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, testing or counseling and guidance services to, or for effective participation in supplementary educational centers and services by, children enrolled in any one or more private elementary and secondary schools of such State, the Commissioner shall arrange for such provision, through contract or otherwise, out of the State's allotment. The amount to be withheld from a State's allotment is to be based on the number of children in the area served who are excluded from participation and, except for such exclusion, might reasonably have been expected to participate.

Section 809. Recovery of payments: This section provides for recovery of payments by the Commissioner in cases where facilities constructed under the title cease to be used for their original purposes or to be owned by a State or local educational agency.

Section 810. National Advisory Council: This section provides that the President shall, by March 31, 1970, appoint a National Advisory Council on Educational Assistance charged with the review and evaluation functions with respect to the new title. The Council is to be appointed by the President without regard to the civil service laws. This section specifies that the Council shall consist of 12 members appointed for three year terms, and that a majority of the members shall be broadly representative of the educational and cultural resources of the United States, including at least one person competent in the area of education of handicapped children. When requested by the President, the Secretary is authorized to provide technical, professional, and other assistance to the Council. This Council is directed to make an annual report of its findings and recommendations not later than March 31 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to the report.

Section 811. Labor Standards: This section sets forth the usual labor standards provisions applicable to construction projects assisted under the title.

Section 812. Definition of Equipment: This section defines the term "equipment" as used in the new title to mean equipment and materials suitable for use in elementary schools in providing academic instruction, and test-grading equipment for such schools and specialized equipment for audio-visual libraries serving such schools, and, in the case of public schools, minor remodeling of laboratory or other space used for such materials or equipment.

Section 102. Repeals, and Transitional Provisions for Consolidated Program: This section of the draft bill authorizes an appropriation of $460,000 to the Office of Education for FY 1970 for planning and preparatory activities (including action in FY 1970 on State plans for fiscal year 1971), and including establishment and activities of the National Advisory Council, and permits a State agency, with the Commissioner's approval, to use FY 1970 funds, allotted under the separate programs involved in the consolidation, for preparing a State plan for the consolidated program, and for establishing a State advisory council and for its expenses in advising on the State plan.

Subsection (b) of this section repeals, effective July 1, 1970, the individual titles, portions of titles, or Acts covered by the consolidation.

Section 103. Conforming Amendment: This section conforms the definition section of the Elementary and Secondary Education Act (redesignated as section 901) to include an appropriate reference to the new title.

Part B—Authorization for consolidation of State administrative funds

Section 111 of the bill adds to title IV of the Elementary and Secondary Education Amendments of 1967 a new section 407 authorizing the Commissioner, upon application, to pool in a single consolidated grant award for State administration funds available to a State educational agency for administration of any two or more education programs under any Act administered by him. Such agency need not account separately for the expenditure of such funds by program source. Provision is made for reports and disposition of unexpended balances.

TITLE II—EXTENSION OF, AND OTHER AMENDMENTS TO, TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 201. Extension of title I of Elementary and Secondary Education Act of 1965: This section extends present programs under title I of the Elementary and Secondary Education Act of 1965 for two years through June 30, 1972. The definitions of Federal percentage (50 per centum) and low income factor ($3,000) and the authorization for set-asides for children on reservations served by schools operated for Indian children by the Department of the Interior are extended for the same two-year period.

Section 202. Designation of responsibility for provision of special educational services for institutionalized neglected or delinquent children: This section amends section 103 (a) (2) of title I of the ESEA to provide that a State educational agency which assumes responsibility for the special educational needs of institutionalized neglected or delinquent children, when the local educational agency in the State is unable or unwilling to provide such services, shall be eligible to receive the portion of the allocation to the local agency attributable to such children. If the SEA does not assume this responsibility, any other State or local public agency which does so is entitled to such portion.

Section 203. Requiring grants for migratory children to be based on the number to be served: This section amends section 103 (a) (6) of title I of the ESEA to require that grants to a State for programs under that act for migratory children of migratory agricultural workers shall be based on the number of such children to be served rather than the number residing in the State.

Section 203(b) would further amend section 103(a)(6) of title I of the ESEA to require the Commissioner to reallocate any excess of a State's maximum allocation for migratory children (over the amount needed for children served) to other States whose maximum allocation would otherwise be insufficient to serve all such children to be served in such other States.

Section 204. Use of most recent data under title I: This section amends § 103(d) of title I of the ESEA to authorize the Secretary to use the most recent reliable data available in determining the number of children, aged 5–17, inclusive, in families receiving an annual income in excess of the low-income factor from AFDC payments and the number of institutionalized neglected or delinquent children or children being supported in foster homes, in the event that caseload data for January of the fiscal year preceding the fiscal year for which the determination is made are not available to him by April 1 of the calendar year in which his determination is made.

This section also amends § 103(e) to give the Secretary the option to use the most recent satisfactory data available with respect to per pupil expenditures if data for the second preceding year are not available at the time of computation.

Section 205. Minimum grant allowance to local educational agencies: This section amends section 105(a)(1) of title I of the ESEA to provide that the minimum size of an eligible project shall be $10,000 rather than $2,500 as under present law.

Section 206. Content of State and local educational agency reports: This section amends section 106(a)(3)(A) of title I of the ESEA to require that the contents of research and replication studies must be included in the periodic State evaluation reports to the Commissioner.

This section also amends section 105(a)(7) to provide that reports by local educational agencies relating to performance shall be in accordance with specific performance criteria related to program objectives.

Section 207. Staggered terms for National Advisory Council on Education of Disadvantaged Children; technical assistance: This section amends section 134 of the ESEA to provide for staggered terms for members of the National Advisory Council on Education of Disadvantaged Children and to require that each annual report of the Council, not only the one due in January 1969, shall include its views as to which of the various compensatory education programs (including those not funded under title I) hold the highest promise.

TITLE III—EXTENSION OF, AND OTHER AMENDMENTS TO, OTHER PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT AND ACTS RELATED TO EDUCATION OF THE HANDICAPPED

Part A—Amendments to title III of the Elementary and Secondary Education Act

Section 301. Provisions to assure participation by all eligible students: This section adds a new subsection (f) to section 307 of the ESEA to assure participation by all eligible students, by providing that in a State in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in title III programs by children enrolled in any one or more private elementary or secondary schools of such State, the Commissioner shall arrange for such programs for such children and pay for them out of funds from the State's allotment.

Part B—Extension of title V of the Elementary and Secondary Education Act

Section 310 would extend title V of the ESEA (grants to strengthen State Departments of education) for two years through fiscal year 1972.

Part C—Extension and amendment of title VI of the Elementary and Secondary Education Act of 1965 and other acts relating to education of the handicapped

Section 320. Extension of title VI-A of the Act: This section amends section 602 of the

Elementary and Secondary Education Act to extend for two years, through fiscal year 1972, the program of assistance to States for the education of handicapped children.

Authorization for appropriations for programs for handicapped children on reservations served by elementary and secondary schools operated for Indian children by the Department of the Interior and for programs for handicapped children in overseas dependents schools of the Department of Defense is made coextensive with the title VI–A authorization.

Section 321–323. Extensions of Other Provisions of title VI: Section 321, 322, and 323 extend for two years programs under part B of title VI of the ESEA (regional resource centers for the improvement of the education of handicapped children); part C of such title (centers and services for deaf-blind children); and part D of such title (recruitment of personnel and information on education of the handicapped).

Section 324. Extension of Handicapped Children's Early Education Assistance Act: This section extends through fiscal year 1972 the Handicapped Children's Early Education Assistance Act (Public Law 90–538).

Section 325. Extension of authorization for grants for teaching in the education of handicapped children; training of subprofessional personnel: This section amends section 7 of Public Law 85–926 to extend for two years the program of the education of handicapped children and further amends such act to permit training of subprofessional personnel.

Section 326. Research in the education of the handicapped: This section amends section 302(a) of Public Law 88–164 to extend for two years, through fiscal year 1972, the program of research in the education of the handicapped.

Section 327. Extension of authorizations and technical amendments in provisions for training of physical educators and recreation personnel: This section amends section 501(b) of Public Law 88–164 to extend for two years, through fiscal year 1972, the program of assistance for training of physical educators and recreation personnel for mentally retarded and other handicapped children. It also broadens the coverage of the section to include training of subprofessional personnel. Section 502 of the Act is amended by this section to permit research projects in physical education and recreation for handicapped children to be conducted directly or through contracts with public and private agencies.

Part D—Extension and amendment of title VII of the Elementary and Secondary Education Act of 1965

Section 330. Extension of bilingual education programs: This section amends § 703 of the Elementary and Secondary Education Act to extend for two years, through fiscal year 1972, the Bilingual Education Act (title VII of ESEA).

Section 331. Application to Indians on reservations: This section adds to § 705 of the Elementary and Secondary Education Act a new subsection authorizing provision of bilingual education program for individuals on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior.

Section 332. Increase in membership of Advisory Committee on Education of Bilingual Children: This section amends § 707(a) of the ESEA to increase the membership of the Advisory Committee on the Education of Bilingual Children from 9 to 15.

Part E—Extension and amendment of title IX (formerly VIII) of Elementary and Secondary Education Act of 1965

Section 341. Extension of authorization for dropout prevention programs: This section amends § 907(c) (formerly § 807(c)) of the Elementary and Secondary Education Act (as redesignated by the bill) to extend the authority for dropout prevention projects under that section for two years through fiscal year 1972.

Section 342. Involvement of private school officials in programs in which private school children participate: This section adds a new § 908 to the general provisions title (title IX, formerly VIII) of the Elementary and Secondary Education Act (as redesignated by the bill) to require that, in the case of any title or part of the Act which provides for grants for programs or projects upon the approval of a State educational agency in which private school children and teachers may participate, the State plan provide assurance of suitable involvement of private school officials in planning, establishment, and carrying out of such programs or projects at the local level.

Section 343. Provisions with respect to parental and community involvement: This section amends § 803(c)(2) of the ESEA to add a provision that, in administering the ESEA and any Act amended by it, the Commissioner shall require that effective procedures be adopted by State and local authorities to (1) involve parents and community representatives in the development and operation of programs through a local advisory committee or other appropriate means, and (2) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large.

TITLE IV—EXTENSION AND AMENDMENT OF FEDERALLY IMPACTED AREAS PROGRAMS

Section 401 extends for two years, through fiscal year 1972, authority to provide financial assistance and school construction assistance to local educational agencies in areas affected by Federal activities (Public Law 81–874 and Public Law 81–815).

Section 402. Extension of school assistance in disaster areas: This section extends for two years, through fiscal year 1972, authority to provide financial assistance and school construction assistance to local educational agencies in cases of certain disasters under Public Law 81–874 and Public Law 81–815.

Section 403. Priority for category "A" children in distribution of funds under Public Law 874: This section amends § 5(c) of Public Law 81–874 to provide that, whenever appropriations are insufficient to meet all entitlements in full, the funds shall be applied toward satisfying entitlements under § 3(a), involving so-called "A" children, whose parents live and work on Federal property before funds are applied to entitlements under § 3(b) with respect to "B" children, whose parents do not live on, but work on, Federal property (or vice versa).

TITLE V—MISCELLANEOUS

Section 501. Extension of Adult Education Program: This section amends § 314 of the Adult Education Act to extend that Act for two years, through fiscal year 1972.

Section 502. Increase in advisory committee membership: This section amends § 310 (b) of the Adult Education Act to increase the membership of the Advisory Committee on Adult Basic Education from 8 to 15 and to provide that the Commissioner of Education need not be chairman of that body as is the case under present law.

Section 503. Joint Funding: This section provides that in any joint funding program in which the Office of Education participates, pursuant to regulations prescribed by the President, any one agency could be designated to act for all, a single non-Federal share could be established, and any technical grant or contract requirements inconsistent with similar requirements of the administering agency, or which the administering agency does not impose, could be waived.

Section 504. Amendments to Title IV of the Elementary and Secondary Education Amendments of 1967 providing for evaluation of education programs: This section amends title IV of the Elementary and Secondary Education Amendments of 1967 to authorize the Secretary to use up to 1% of appropriated funds in the education field for across-the-board program evaluation in lieu of the present authorization for an unlimited appropriation for evaluation. The amendment would apply to appropriations for fiscal years ending after June 30, 1969.

Section 604. Authorization to provide technical and other assistance to facilitate consolidation or simplification of applications, reports, and evaluations; This section amends § 303(a)(5) of Public Law 90–576 (dissemination of information, etc.. for education programs) to authorize the Commissioner, upon request, to provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education in order to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures with respect to education programs.

Section 605. Clarifying amendment to Vocational Education Act: This section amends § 104(b)(1) of the Vocational Education Act of 1963, which provides that members of the State advisory council are to be appointed by the State board of vocational education if that board is elected, to specify that election for these purposes includes election by the State legislature.

SECTION-BY-SECTION COMPARISON OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

H.R. 514	Administration bill	S. 2218
1. Sec. 101—Extends provisions of title I of ESEA for 2 fiscal years through 1972..	1. Sec. 201—Same.	1. Sec. 2—Same, except extension is for 4 years through June 30, 1974.
2 Sec. 103—Sec. 103(a)(2) ESEA is amended to provide that the State educational agency shall provide special education for institutionalized, neglected, and delinquent children—when LEA refuse or cannot.	2. Sec. 202—Same.	2. No provision.
3. Sec. 103(b)—Amends sec. 103(d) ESEA to require the Secretary to consider all children who are in correctional institutions when allocating funds for delinquent children.	3. No provision.	3. No provision.
4. Sec. 104—Amends sec. 103(a)(6) ESEA, requiring grants to a State for migratory children to be based on the number to be served, subject to the present maximum grant formula based on the number residing in the State.	4. Sec. 203—Same, except that Commissioner would be required to reallocate any excess of a State's maximum allocation for migratory children (over the amount needed) to other States whose maximum would otherwise be insufficient to serve all such children to be served in such other States.	4 No provision.

SECTION-BY-SECTION COMPARISION OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
5. Sec. 105—Amends sec. 103(d) (use of recent data under title I)—If AFDC caseload data are not received by Apr. 1 of the calendar year the Commissioner must make his determination, he may use the most recent data available to him. Also amends sec. 103(e) to give the option to use the most recent satisfactory data available with respect to per pupil expenditures if data for 2d preceding year are not available at the time of computation.	5. Sec. 204—Same.	5. No provision.
6. No provisions.	6. Sec. 205—Provides that the maximum size of an eligible project shall be $10,000 rather than $2,500 as under present law.	6. No provision.
7. Sec 106(a)—Amends sec 106(a)(3)(A) of ESEA on content of State and LEA reports: Results of research and replication studies must be included in the periodic State evaluation reports to the Commissioner. (b) Amends sec. 105(a)(7)—LEA reports shall be in accordance with specific performance criteria related to program objectives.	7. Sec. 206. (a) Same. (b) Same, but retains the requirement (deleted probably inadvertently, by H.R. 514) that LEA reports be in such form and contain such information as may be reasonably necessary to enable the SEA to perform its duties.	7. No provision.
8. Sec. 107—Amends sec. 134 ESEA to provide for staggered terms for the National Advisory Council, on the Education of the Disadvantaged; also requires that each annual report of the Council, not only the one due in January 1969, shall include its views as to which of the various compensatory education programs (including those not funded under title I, hold the highest promise.	8. Sec. 207—Same, but corrects an inadvertent technical omission in H.R. 514.	8. No provision.
9. Sec. 108—Amends sec. 105(a)(1) of ESEA to authorize salary bonuses for teachers ("combat pay") in schools eligible for title I assistance.	9. No provision. (Present law is construed to authorize such bonus if part of a program or project otherwise authorized under title I.)	9. No provision.
10. Sec. 109—Amends sec. 107(b)(2) of ESEA to exclude Wake Island from eligibility for certain administrative expenses.	10. No provision, but Wake Island is not now eligible under title I.	10. No provision.
Title II 11. Section 201—Extends title II ESEA (school library resources, textbooks, and other instructional materials) for 2 years, through fiscal year 1972.	Title III 11. No provision. (Title II included in consolidation, below.)	11. Sec. 3—Same as H.R. 514, except extension is for 4 years.
Title III 12. Sec. 301(a)—Extends title III ESEA for 2 years except sec. 305(c).	Title III 12. No provision. (Title III included in consolidation, below.)	12. Sec. 4—Same as H.R. 514, except extension is for 4 years.
13. Sec. 302—Adds a new subsec. (f) to sec. 307 ESEA to assure aprticipation by all eligible students, by providing that in a State in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in title III programs by nonpublic school children the Commissioner may arrange for such programs for such children out of funds from the State's allotment.	13. Sec. 301—Same.	13. No provision.
Title IV 14. Sec. 401—Extends title V ESEA for 2 years.	14. Sec. 310—Same.	14. Sec. 5—Same except extension is for 4 years.
Title V 15. Secs. 501–504—Extends title ESEA (Handicapped) for 2 years.	15. Secs. 320–323—Same.	15. Secs. 6(a) and (6b). Same except extension is for 4 years.
15. Secs. 505, 506, and 507 extend the following authorities for 2 years through fiscal years 1972. (a) Grants for teaching in the education of handicapped children (Public Law 85–926). (b) Research in education of the handicapped (sec. 302 of Public Law 88–164). (c) Training of physical educators and recreation personnel for mentally retarded and other handicapped children (Public Law 88–164, title V).	16. Secs. 324, 325, and 327 extend the same authorities, plus the Handicapped Children's Early Education Assistance Act (Public Law 90–538), through fiscal year 1972.	16. Secs. 6(d) and 5(e) extend these authorities through fiscal year 1974.
16. Sec. 505(b) permits training of subprofessional personnel under Public Law 85–926.	16. Sec. 325(b)—Same.	16. No provision.
17. Sec. 507(a)(2) permits training of subprofessional personnel under title V of Public Law 88–164.	17. Sec. 327(a)(2)—Same.	17. No provision.
18. Sec. 507(b)(2)—Amends sec. 502 of Public Law 88–164 to permit research projects in physical education and recreation for handicapped children to be conducted through contracts with public and private agencies.	18. Sec. 327(b)(2)—Same.	18. No provision.
Title VI 19. Sec. 601—Extends bilingual education program for 2 years to 1972.	19. Sec 330—Same.	19. Sec. 7—Same, except extension is for 4 years.
20. Sec. 602—Adds a new subsection applying the bilingual program to children on reservations served by elementary and secondary schools for Indian children operated by Interior Department.	20. Sec. 331—Same, except to refer to schools operated or funded by Interior Department.	20. No provision.
21. No provision.	21. Sec. 332—Amends sec. 707(a) of ESEA to increase membership in Advisory Committee on Education of bilingual children from 9 to 15.	21. No provision.
Title VII 22. Sec. 701—Extends dropout prevention program for 2 years through fiscal 1972.	22. Sec. 341—Same.	22. Sec. 8—Same, except extension is for 4 years.
23. Sec. 702—Revises sec. 803(c) (dealing with Federal administration of ESEA and any act amended by it) to (1) remove the requirement of coordination, at the State and local level, of education programs with other programs having the same or similar purposes, including community action programs, and (2) to require Federal departments and agencies administering programs which may be coordinated with Federal education programs to coordinate their programs with such education programs.	23. Sec. 343—Amends sec. 803(c)(2) of ESEA to add a provision that, in administering the ESEA and any act amended by it, the Commissioner shall require that effective procedures be adopted by State and local authorities to (1) involve parents and community representatives in the development and operation of programs through a local advisory committee or other appropriate means and (2) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large.	23. No provision.
Title VIII 24. Secs. 801 and 802—Extends for a period of 2 years, through fiscal year 1972, authority to provide financial assistance and school construction assistance for local educational agencies in areas affected by Federal activities (Public Law 81–874 and 81–815). Assistance for such agencies in cases of certain disasters is also extended.	24. Secs. 401 and 402—Same.	24. Sec. 9—Same, except extension is for 4 years.
25. Secs. 803 and 804—Amends Public Law 874 and Public Law 815 to authorize counting of children in public housing for purposes of those acts.	25. No provision.	25. No provision.
26. No provision.	26. Sec. 403—Amends sec. 5(c) of Public Law 874 to provide that, whenever appropriations are insufficient to meet all entitlements in full, the funds shall be applied toward satisfying entitlements under sec. 3(a), involving so-called "A" children, whose parents live and work on Federal property before funds are applied to entitlements under sec. 3(b) with respect to "B" children, whose parents do not live on, but work on, Federal property (or vice versa).	26. No provision.
Title IX—Miscellaneous 27. Sec. 901—Extends the Adult Education Act for 2 years to 1975.	27. Sec. 501—Same.	27. Sec. 1—Same, except extension is for 4 years.
28. No provision.	28. Sec. 502—Increases membership on Advisory Committee on Adult Basic Education from 8 to 15 and provides that the Commissioner need not be chairman.	28. No provision.
28. Sec. 902—Amends sec. 402 of E. & S.E. Amendments of 1967 by adding requirement that the Secretary transmit to the appropriate legislative committees reports on any contracts or grants for evaluation referred to in sec. 401 of the 1967 amendments.	28. No provision.	28. No provision.
29. Sec. 903—Provides that in any joint funding program in which the Office of Education participates any 1 agency could be designated to act for all, a single non-Federal share could be established, and any technica grant or contract requirements inconsistent with similar requirements of the administering agency, or which the administering agency does not impose, could be waived.	29. Sec. 503—Same.	29. No provision.
30. Sec. 904—Provides that no standard, rule, regulation, or requirement of general applicability prescribed for the administration of ESEA may take effect until 30 days after it is published in the Federal Register.	30. No provision.	30. No provision.
31. 905—Adds sec. 808 to authorize LEA's to use systems approaches to cost measurement, collection, and reporting in accordance with a specified Budget Bureau circular.	31. No provision.	31. No provision.

SECTION-BY-SECTION COMPARISION OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
32. No provision.	32. Sec. 504—Amends title IV of the Elementary and Secondary Education Amendments of 1967 to authorize the Secretary to use up to 1 percent of appropriated funds in the education field for across-the-board program evaluation in lieu of the present authorization for a separate appropriation for evaluation.	32. No provision.
34. No provision.	34. Sec. 604—Amends sec. 303(a)(5) of Public Law 90-576 (dissemination of information etc., for education programs) to authorize the Commissioner, upon request, to provide advice, counsel, technical assistance, and demonstrations to SEA's, LEA's, or institutions of higher education to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures.	34. No provision.
35. No provision.	35. Sec. 605—Amends sec. 104(b)(1) of the Vocational Education Act of 1963, which provides that members of the State advisory council are to be appointed by the State board if that board is elected, to specify that election for these purposes includes election by the State legislature.	35. No provision.
Consolidation of Special State Grant Programs		
Sec. 906—Amends ESEA by adding a new title IX entitled "Consolidation of Special State Grant Programs," consolidating into 1 State grant program titles II and III of ESEA and III–A and V–A of National Defense Education Act (NDEA). $1,000,000,000 each authorized to be appropriated for fiscal 1971 and for fiscal 1972 (sec. 901). Sec. 907 of the bill amends title VIII of ESEA to provide that funds appropriated pursuant to the superseded titles shall be considered funds appropriated pursuant to sec. 901 of the consolidated title.	Sec. 101—Amends ESEA by redesignating the present title VIII (General Provisions) as title IX and adding a new title VIII consolidating the State grant programs covere dby H.R. 514 and in addition, sec. 12 of the National Foundation on the Arts and Humanities Act. Such sums as may be necessary are authorized for fiscal 1971 and fiscal 1972. Sec. 102 of the draft bill, however, repeals the separate programs merged in the consolidated title. It further authorizes an appropriation of $460,000 to the Office of Education for fiscal year 1970 for planning and preparatory activities (including action on State plans for fiscal year 1971), and establishing a National Advisory Council, and permits State agencies, with the Commissioner's approval, to use fiscal year 1970 funds under the separate programs for preparing a State plan for the consolidated program, establishing an advisory council, and using it for advising on the State plan.	S. 2218 contains no consolidation.
The following summarizes the provisions of the consolidated title (references are to sections of such title):		
1. Allotments: Sec. 902 (a)(1) authorizes appropriation of amount equal to not more than 3 percent of the amount appropriated for State grants to be allotted to the Secretary of the Interior for the benefit of individuals on reservations served by BIA schools and to the Secretary of Defense for assistance to DOD overseas dependents schools, and among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Allotments to individual States from sums appropriated for purposes of the title are based on the ratio of children aged 5 to 17, inclusive, in the State to the total number of such children in all the States, except that each State is assured an amount equal to its "aggregate base year allotment" defined, with respect to a State, as the sum of the allotments to that State for the fiscal year ending June 30, 1969, under titles II and III of ESEA and III–A and V–A of NDEA. (Sec. 902(a)(2)). Provision is made for reallotments (902(b)).	1. Sec. 802 (a)(2) is the same except that computation of the "aggregate base year allotment" takes into account inclusion of sec. 12 of the National Foundation on the Arts and Humanities Act in the consolidation.	1. No provision.
2. Uses of Federal funds: Sec. 903(a) declares it to be the purpose of the title to include within a single authorization programs authorized by titles II and III of ESEA and III–A and V–A of NDEA and provides that, except as expressly modified, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs previously authorized by such titles. Sec. 903(b) specifies the following uses: "(1) the provision of library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials for the use of children and teachers in public and private elementary and secondary schools of the State; "(2) the provision of supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary public and private elementary and secondary school educational programs to serve as models of regular school programs; and "(3) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools. In addition, funds are authorized to be used for proper and efficient State plan administration, obtaining technical, professional, and clerical assistance, and evaluation and dissemination activities.	2. Sec. 803(a) is the same. Sec. 903(b) is the same except that— (a) Use of funds for "construction public facilities when necessary" is expressly authorized; (b) the term "Public and private" in the 2d paragraph is shifted so as to follow "models of regular"; and (c) junior colleges and technical institutes are omitted	No provisions.
3. Participation of private school children and teachers: Sec. 904 requires that programs under the consolidated title "provide for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools." Specifically, the State educational agency (SEA) must provide liaison with private school officials in the State (sec. 904(b)) and, in approving projects, must obtain assurances of suitable involvement of local private school officials in planning and implementation of programs funded under the ESEA (sec. 904(c)). Sec. 905 states requirements for public control of resources and equipment and restrictions on their use, including: (a) Title to resources, books, materials, and equipment furnished under consolidated titles and control and administration of their use, must be in a public agency. (b) Such resources, books, etc., must have been approved by an appropriate SEA or LEA for use, or must be used, in a public elementary or secondary school of the State. Construction or remodeling of private school facilities is prohibited. (c) Such resources, books, etc., may be used only for secular purposes and for instruction in secular studies and their use for religious instruction or worship is prohibited.	3. Sec. 804 is the same as sec. 904 of H.R. 514, except that the provision regarding suitable involvement of private school officials in program planning and implementation, which in H.R. 514 is applicable to all relevant programs under ESEA rather than merely to the consolidated title, is reflected in a separate section of the consolidated title (sec. 342 of the bill). Sec. 804 specifies that provision for effective participation of private school children and teachers shall be made "to the extent consistent with law." Sec. 805 is the same as sec. 905, plus a provision that equipment may not be placed on private school premises under such circumstances that it becomes a fixture (sec. 805(b)).	3. No provision.
Bypass provisions: Sec. 908 contains 2 so-called "bypass" provisions: 1. In any State which has an approved State plan and in which no State agency is authorized by law to provide library resources, books, equipment, and materials for the use of children and teachers in any one or more schools in the State, the Commissioner is directed to arrange for such provision and pay for it out of the State's allotment (sec. 908(b)). 2. Where no State agency is authorized by law to provide, or where there is a substantial failure to provide testing or counseling and guidance services or for effective participation in supplementary educational centers and services for the use of children and teachers in any 1 or more elementary schools of such State, the Commissioner is directed to arrange for the provision of such services out of the State's allotment (sec. 908(c)).	Sec. 808 (b) and (c) are to same effect	No provision.
4. State plans (sec. 906): A State desiring to receive a grant under the consolidated title must submit to Commissioner a State plan which— (1) designates the SEA as sole administering agency; (2) assures that funds be expended only by public agencies for purposes in the title; (3) assures adherence to provisions for participation of private school children and teachers (sec. 904) and limitations of sec. 905;	4. Sec. 806 is the same, except that it more clearly requires that the State plan be annually approved and that it— (a) include a long-range program, annually updated; (b) provide estimates of the respective portions of the State's allotment that will be used for each of the principal components of the consolidated program and of expenditures for like purposes from State and local sources (sec. 806(a)(4)(A));	No provision.

SECTION-BY-SECTION COMPARISON OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
(4) assures that funds allotted for eligible uses will not be less than 50 percent of the State's fiscal year 1969 allotment for each use under the programs consolidated in the new title; (5) requires that out of funds for supplementary educational centers and services, 15 percent be set aside for education of the handicapped; (6) sets forth principles for equitable distribution of assistance within the State, emphasizing geographic distribution and population density and relative needs of children and teachers; (7) provides for evaluation, dissemination, and adoption of promising practices; (8) contains certification of State advisory council; (9) (10) (11) contains assurances with respect to commingling and maintenance of effort and provisions for fiscal and accounting procedures, reports, and recordkeeping; (12) assures notice and hearing to LEA's before final action; and (13) assures that grants under the consolidated title will not be taken into account in determining State aid.	(c) limits the 50 percent floor guarantee (corresponding to sec. 906(a)(4) of H.R. 514) to fiscal year 1971; and (d) provides that in the case of supplementary educational centers and services, funds paid to the State will be expended only through grants to LEA.	
Sec. 906(b) provides for partial approval of a State plan	Contains no comparable provision	No provisions.
Sec. 906(c) provides for (1) notice and hearing to an SEA before the Commissioner finally disapproves a plan, (2) suspension of payments in cases of noncompliance with State plan and other requirements, and (3) judicial review of action by the Commissioner.	Sec. 806(b) is the same, except that (sec. 806(b)(1)) requires that, prior to submission of the State plan to the Commissioner, the State agency shall make the plan public and give interested persons a reasonable opportunity for comment and that the State agency shall make public the plan as finally approved.	
5. State advisory council: Sec. 907 requires a State desiring payments under the consolidated title to establish a State advisory council with the following characteristics: Appointed by the SEA. Broadly representative of the cultural and educational resources of the State and of the general public, including representation from public and private elementary and secondary schools, urban education, rural education, higher education and the State library system, and education of the handicapped. Authorized to advise the SEA regarding the preparation and administration of the State plan and assist the SEA in evaluation. The Commissioner may not approve a plan unless it is accompanied by a certification of the council that it has reviewed the plan; if the council disapproves the plan, the Commissioner must afford it an opportunity for a hearing (sec. 907(b)).	5. Sec. 807 is to the same effect, except that the Governor appoints the council unless the SEA is an elected body in which event it appoints the council. Specific provision is made for persons representatives of that general public.	5. No provisions.
6. Payments: Sec. 908(a) authorizes the Commissioner to pay to each State having an approved plan, from its allotment, amounts expended for authorized uses in accordance with the plan, except that payments for administration, technical assistance, and evaluation (sec. 903(c)) may not exceed 7½ percent of the State's allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, etc.) whichever is greater. (See discussion of bypass provisions above.)	6. Sec. 808—Same.	6. No provision.
Sec. 909—Provides for recovery of payments in cases where facilities constructed under the title cease to be used for their original purposes or to be owned by a State or local educational agency.	Sec. 809—Same.	
7. National Advisory Council: Sec. 910 provides for a National Advisory Council on Educational Assistance to be appointed by the President by Jan. 31, 1970.	7. Sec. 810 is the same, except it need not be appointed until Mar. 31, 1970.	7. No provision.
8. Labor standards: Sec. 911 contains a labor standards provision applicable to construction projects assisted under the title.	8. Sec. 811—Same.	
9. Definitions: The term "laboratory and other instructional equipment," etc., is defined to include equipment suitable for use in providing certain specified subjects (sciences, mathematics, etc.), or for instruction in other subjects not involving religious instruction if there exists a critical need therefor, in public and private schools, test-grading equipment and equipment for audiovisual libraries, and, in the case of public schools, minor remodeling of laboratory and other space used for such equipment.	9. Sec. 812, similar except that it defines the term "equipment" to include equipment and materials suitable for use in elementary or secondary schools in providing academic instruction, thus avoiding the limitation to specific subject-matter categories as in H.R. 514. Bill also adds a reference to the new consolidated title to the definition section of ESEA to effect inclusion of the District of Columbia and the outlying territories in the consolidated program.	
Consolidation of State administrative funds.	Sec. 111 adds to title IV of the Elementary and Secondary Education Amendments of 1967, a new sec. 407 authorizing the Commissioner, upon application, to pool in a single consolidated grant award for administration funds available to a State educational agency for administration of any 2 or more education programs under any act administered by him. Such agency need not account separately for the expenditure of such funds by program source. Provision is made for reports and disposition of unexpended balances.	
No provision.		No provision.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

Mr. FULBRIGHT. Mr. President, I wish to thank the distinguished majority leader for what he said by way of introduction of this commitment resolution, Senate Resolution 85. He has taken an interest in this matter. As the leader of the Senate, of course, he feels the responsibility for reasserting the function of the Senate in our system of government. I am not speaking for him but believe he would agree that during the course of the years, beginning many years ago, the Senate has allowed an imbalance to arise within our governmental structure and that by a process of erosion and by a process of acceptance of executive action some of the most significant powers of the Senate have been lost or at least they have been neglected.

They are not permanently lost. The purpose of this commitment resolution is to reestablish the proper role of the Senate. I appreciate very much what the majority leader said a moment ago.

With regard to the comments of the Senator from Illinois (Mr. DIRKSEN), I certainly agree with him as to the need for extended debate and discussion of this resolution.

As I said last Monday on another matter, I do not believe in asking the Senate to act precipitately and suddenly or without due consideration on important matters. While this is only a sense-of-the-Senate resolution, I still regard it as one of the most important resolutions of its kind that has ever been before the Senate, certainly since I became a Senator.

In that connection, before I begin formal comments about the resolution, I would like to give a very brief bit of history on the resolution, because I wish to share the credit for having had it introduced with other Senators, and particularly the senior Senator from Georgia. Well over a year ago the Senator from Georgia and I were having a discussion at the luncheon table about various matters. I think at that time the particular matter we were talking about was the recent action that had taken place in the Congo. Of course, there is the background of that matter with what had taken place in Vietnam and the very tragic consequences there. The Senator from Georgia on many occasions has stated his position with regard to that engagement, going back to 1954, if not further, and he has stated it on this floor. He had recommended to President Eisenhower that we not even begin that first, very small participation in that conflict by sending a small contingent of advisers.

In any case, the idea that is encompassed in this resolution goes back quite a while. The Senator from Georgia and I discussed the matter and considered what would be a proper way to reassert what we thought to be the legitimate function of the Senate in participating in the making of commitments by the United States as a nation as distinguished from a commitment made by a particular official as to what his present policy would be so long as he was in office. These are a number of the distinctions I hope we shall develop in this debate.

What we have in mind are important commitments of the Nation, commit-

ments which involve particularly the sending of armed forces, the sending abroad of armed men, in whatever branch of the forces they may be, to engage in hostilities in a foreign country. There is no question, as I shall point out later, about the use and participation of our Armed Forces in defense of the homeland, so to speak. That is not really involved in this resolution at all. The classic example, of course, is the one in which are involved at present—the commitment of over 500,000 men in Vietnam.

There are many smaller incidents, which I shall refer to later in trying to delineate what we have in mind.

When the Senator from Georgia and I discussed the matter, I suggested that he submit such a resolution because of his seniority and because he was at that time the chairman of the Committee on Armed Services. In any case, he requested that I do so, and I did, after consulting with him and submitting to him the original text, which he approved.

At that time a number of leading Members of this body approved the resolution which was submitted last year. After that resolution was considered by the Committee on Foreign Relations, a number of its members, particularly one, the former Senator from Iowa, Mr. Hickenlooper, wished to be more specific and offered a number of amendments, which were adopted. The committee then reported a resolution in slightly different form from the resolution now before the Senate.

I do not believe there is any great difference in meaning, because this is a sense-of-the-Senate resolution. It really is intended to affect the attitude of the Senate toward its responsibilities in the Government, and also the attitude of the President—present and future Presidents—toward the Senate. It is not—I repeat: not—offered as an amendment to the Constitution. It is not to be confused with a former proposal, which was known as the Bricker amendment and has often been mentioned in connection with this resolution. That was a proposal to amend the Constitution of the United States.

I say this because I think that when we seek to amend the Constituton by passing a law, it is quite proper, necessary, and essential to be precise in language, as distinguished from a statement of the sense of the Senate, which is intended to affect the attitude of the Senate toward its own functions and responsibilities, and also the attitude of the Executive, as well as that of foreign countries.

I have said this by way of background. I was absent from the Senate at times last year in connection with my campaign, and I did not wish to have the resolution taken up in my absence. The majority leader let it go over.

I submitted the original version which is now before the Senate, as to which I have also consulted again with the senior Senator from Georgia, the President pro tempore of this body, and he has approved the present version of the resolution.

With that background, I should like to give my comments.

Commenting on the President's power over matters of national security, a British observer wrote last year:

> In the circumstances it is misleading; to speak of a government of laws and not of men when discussing American national security policy. . . . If the President is not above the law, it is only because the law and practice have conceded him an almost unchallengeable position. Few other democratic countries would permit one man to wield so much power.[1]

That was written in 1968.

In 1968 American journalists asked Premier Kosygin to describe his job as Premier of the Soviet Union. The Premier suggested in reply that his interrogators were exaggerating the role of an individual leader.

He said:

> In our country, it is the collective that works. And herein lies our strength. If one makes a mistake, others set him right.[2]

That was said in a well-known interview published in Life magazine in 1968.

Premier Kosygin's words sound almost Jeffersonian by contrast with a statement made by former Secretary of State Dean Acheson in 1951, a statement which is representative of prevailing attitudes on the part of the executive branch of the U.S. Government. Mr. Acheson said:

> Not only has the president the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.[3]

We have, to be sure, a check on our President at 4-year intervals: we can throw him out. But within his term of office there is almost no restraint—except his own political discretion—on the President's power to commit the country to dangerous, and often irreversible, courses of action in foreign policy. It is a demonstrable fact, hardly debatable, that the President of the United States wields foreign policy powers far exceeding those of executives in many other democratic countries, possibly exceeding even the powers of the rulers of some nondemocratic countries, and far exceeding the intent of the framers of the American Constitution. In the words of the Foreign Relations Committee's report on the resolution now before the Senate:

> Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the armed forces. So far has this process advanced that, in the committee's view, it is no longer accurate to characterize our government, in matters of foreign relations, as one of seaprated powers checked and balanced against each other.[4]

There has grown up a kind of conventional wisdom to the effect that the Constitution is virtually silent on the division of foreign policy powers between the Executive and Congress. Mr. Katzenbach, for instance, expressed the view that it was the framers' intention to leave this division of authority to be settled "by the instinct of the Nation and its leaders for political responsibility."[5] Similarly, in its comments this year on the resolution before us, the Department of State reiterated the view that the Constitution contained few provisions regarding foreign relations and that, accordingly—

> The relationship between the executive and legislative branches in this area has therefore developed in practice through a long series of situations calling for action by the President and by the Congress.

In fact, as the committee report points out, the framers of the Constitution gave us more specific and reliable guidelines for drawing the line of demarcation.

The resolution before us is addressed to the two areas of our foreign relations in which the Constitution is quite explicit as to the authority of Congress, the making of treaties and the initiation of war, both of which have passed very largely into the hands of the President. Lacking the force of law, this resolution, if adopted, will express a judgment on the part of the Senate that, with full allowance for the right—indeed the duty—of the President to repel an attack on the United States, any decision to initiate foreign hostilities, or to enter into engagements with foreign nations under which we might be required to go to war or to take some other highly significant action ought to be made in accordance with constitutional procedures, these requiring an explicit authorization on the part of Congress.

How the power to commit America to war has passed into the hands of the executive is reviewed in the committee report. It recalls the explicit vesting of the war power in the Congress by the framers of the Constitution, the general compliance with the intent of the framers throughout the 19th century, the limited incursions on congressional authority by Presidents Theodore Roosevelt, Taft, and Wilson, and the rapid acceleration of the trend toward executive predominance under Presidents Franklin Roosevelt, Truman, Eisenhower, Kennedy, and Johnson, to the point at which the real power to commit the country to war is now in the hands of the President and the intent of the framers has been, in the words of the report, "substantially negated."

The executive's position in recent years has been that, although it respects the authority of Congress to "declare war," it can conceive of no circumstances under which a declaration of war would be appropriate. Declarations of war, we are told, are inappropriate to limited wars—being somehow incompatible with the conduct of hostilities for limited objectives—and unthinkable in the event of an all-out nuclear war; they are, in the words of former Under Secretary of State Katzenbach, "outmoded in the international arena."[6] With both limited and general wars accounted for, I do not know what kinds of wars are left for Congress to declare.

At the same time that it has come to regard congressional authority as obsolete or inappropriate, the executive appears to regard itself as being, in any case, fully empowered to commit the United States to war.

When President Truman sent American Armed Forces to Korea in 1950 without congressional authorization, he made

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no public explanation of his use of the war power. An article in the Department of State Bulletin, however, published in July 1950, asserted:

The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof.

The article pointed to past instances in which the President had used the Armed Forces in what was said to be "the broad interests of American foreign policy" and also asserted that there was a "traditional power of the President to use the Armed Forces of the United States without consulting Congress." [7]

In the words of the committee report:

Here, clearly expostulated, is a doctrine of general or "inherent" Presidential power—something which had not been claimed by previous Presidents.

As to the war in Vietnam the Legal Adviser to the State Department wrote the following in March 1966:

There can be no question in present circumstances of the President's authority to commit U.S. forces to the defense of South Vietnam. The grant of authority to the President in Article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam.[8]

President Nixon's administration has not yet given a clear indication of its position on the war power. The State Department's comments on Senate Resolution 85, however, suggest that the new administration's basic position will be substantially unchanged from that of its predecessors. The committee took particular note of the following assertion in those comments:

As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Whether the administration believes that it has the authority not only to dispatch armed forces abroad but actually to commit them to hostilities is not clear. That distinction, however, is very close to being academic, inasmuch as the very presence of American forces in a foreign country is very nearly a de facto commitment to use those forces in the event of an outbreak of hostilities. It is the view of the Foreign Relations Committee that Congress' authority to initiate war necessarily extends to the authorization of any action, including the deployment of armed forces, which may have the effect of committing the United States to war. In the absence of such authority, the war power of Congress would be virtually meaningless.

The committee further believes, as it points out in its report, that declarations of war are neither obsolete nor are they the only appropriate means by which Congress can authorize the initiation of hostilities. In the words of the report:

Joint resolutions such as those pertaining to Formosa, the Middle East, and the Gulf of Tonkin are a proper method of granting authority, provided that they are precise as to what is to be done and for what period of time, and provided that they do in fact *grant authority* and not merely express approval of undefined action to be taken by the President. That distinction is of the greatest importance. As used in the recent past, joint resolutions have been instruments of political control over the Congress in the hand of the President, enabling him to claim support for any action he may choose to take and so phrased as to express Congressional acquiescence in the constitutionally unsound contention that the President in his capacity as Commander in Chief has the authority to commit the country to war.

In addition to encouraging the Congress to reassert its constitutional war power, Senate Resolution 85 purports also to remind the Senate of its special responsibilities for the rendering, or withholding, of its advice and consent in the making of treaties. The committee's view of this matter is expressed in the following passage from its report:

Great confusion has arisen in recent decades as to what exactly is required to make a formal, binding commitment. The traditional distinction between the treaty as the appropriate means of making significant political commitments and the executive agreement as the appropriate instrument for routine, nonpolitical arrangements has substantially broken down. The term "commitment" is now used to refer to engagements ranging from those contracted by treaties consented to by the Senate to executive agreements and even simple declarations. The latter are sometimes made in a casual, even heedless, way, often by officials subordinate to the President himself, and they seem at times to be made with something less than full consciousness of their implications. Sometimes the sense of binding commitment arises out of a series of executive declarations, no one of which in itself would be thought of as constituting a binding obligation. Simply by repeating something often enough with regard to our relations with some particular country, we come to suppose that our honor is involved in an engagement no less solemn than a duly ratified treaty. This is perhaps best described as a process of commitment by accretion.

Two recent examples will serve to illustrate these general propositions:

Under the SEATO Treaty the United States has two specific obligations to Thailand: under article IV, paragraph 1, to "act to meet the common danger in accordance with its constitutional processes" should Thailand be attacked, and, under article IV, paragraph 2, "to consult immediately" with our SEATO allies should Thailand be threatened by subversion. In fact, however, the presence of 50,000 American troops in Thailand combined with Thailand's involvement in the Vietnam war, have created a de facto commitment going far beyond the SEATO Treaty. The extent of our commitment to Thailand, from the viewpoint of the Executive, is shown in a joint declaration issued by Secretary of State Rusk and Thai Foreign Minister Thanat Khoman on March 6, 1962, in which Mr. Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion." At the SEATO meeting in May of this year Secretary of State Rogers reaffirmed the Rusk-Thanat agreement as "a valid restatement of the responsibilities set forth in article IV (1) of the Treaty."

Quite obviously, this declaration contitutes a de facto commitment made by Executive agreement and far exceeding the obligations defined in article IV of the SEATO Treaty. It is clear from the language of the treaty that there is no automatic obligation to go to war in Southeast Asia, as strongly implied by the Rusk-Thanat-Rogers agreement, and it is very clear that the treaty does not give the President the authority to go to war without the consent of Congress—unless the "constitutional processes" referred to are regarded as something not involving Congress and its war powers. All that the treaty obligates us to do is to "consult" with our allies in the event of internal subversion such as has taken place in South Vietnam and, in the event of an act of international aggression, to act to meet the "common danger" in accordance with our constitutional processes. The latter, I contend, clearly require affirmative action by Congress, since Congress, and Congress alone, has the constitutional power to initiate war.

This interpretation of the SEATO Treaty is upheld by the legislative record, which also makes it clear that the framers of the treaty did not contemplate large-scale land warfare in Asia. In his testimony on the SEATO Treaty before the Foreign Relations Committee on November 11, 1954, Secretary of State Dulles said that the treaty was not intended to form a full-fledged counterpart to NATO. He said:

We do not intend to dedicate any major elements of the United States Military Establishment to form an army of defense in this area.

And Mr. Dulles added:

I believe that if there should be open armed attack in that area the most effective step would be to strike at the source of aggression rather than to try to rush American manpower into the area to try to fight a ground war.[9]

In response to a question by Senator MARGARET CHASE SMITH, Secretary Dulles commented as follows on the meaning of the treaty's provision pertaining to subversion:

Well, article IV, paragraph 2, contemplates that if that situation arises or threatens, that we should consult together immediately in order to agree on measures which should be taken. That is an obligation for consultation. It is not an obligation for action.[10]

Again, when asked by Senator GREEN whether the SEATO Treaty committed the United States to help southeast Asian governments put down revolution, Secretary Dulles replied:

No. If there is a revolutionary movement in Vietnam or Thailand, we would consult together as to what to do about it, because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it. [11]

I might add that this is obviously the reason why it was very late in the Vietnam war before the Secretary of State even ventured to say that our action was based upon the obligations of the SEATO Treaty. In the early 2 or 3 years of that conflict, he never did allege that we were

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there because of the SEATO Treaty. But after being hard-pressed, in the later stages, he did allege that the SEATO Treaty was the origin of that obligation and of the right to intervene.

An even more striking instance of military commitment by Executive action is provided by our successive agreements with Spain for the maintenance of bases in that country. In the case of Spain there was no treaty to build upon; the Executive had to start from scratch. Nonetheless, through a series of Executive agreements, but even more through the simple fact of having American forces stationed in Spain, we have been brought to a state of virtual military alliance with the Franco regime. The process began with an Executive agreement in 1953, a simple arrangement under which the United States acquired base rights in Spain in return for military supplies and equipment. The agreement contained no commitment for the United States to come to the defense of Spain. In response to Spanish importunities for a defense commitment, the agreement was substantially upgraded in 1963, when Secretary of State Rusk and Spanish Minister for Foreign Affairs Castiella issued a joint declaration asserting that a "threat to either country," and to their joint facilities, would be a matter of "common concern," in response to which each country would "take such action as it may consider appropriate within the framework of its constitutional processes." Except for the specific reference to the bases, this language, it will be noted, closely resembles the language used in our formal mutual defense treaties. The new bases agreement concluded this month, by simply extending the prior agreement, also thereby extends the Rusk-Castiella agreement of 1963.

More significant than any written agreements in committing the United States militarily to the Franco government is the very fact of the presence of American forces on Spanish soil. This was explicitly acknowledged in a memorandum which General Wheeler, acting under instructions from Secretary Rusk, gave to Spanish military authorities in November 1968. In that memorandum it is asserted:

> By the presence of U.S. forces in Spain, the U.S. gives Spain a far more visible and credible security guarantee than any written document.

Subsequently, this interpretation of the meaning of the American presence in Spain was disavowed by the Nixon administration, but since General Wheeler was talking about a de facto commitment arising out of the fact of an American military presence, the value of a verbal disavowal is questionable. One can disavow a written agreement; but I do not think one can disavow a fact.

American forces in Spain have engaged in joint military exercises with Spanish forces. In one recent exercise the "scenario" specified American counterinsurgency support for Spanish forces hard pressed by domestic insurgents. In effect, our forces were rehearsing the support they might provide to the Franco regime in the event of civil war or rebellion in Spain.

In another exercise, conducted in April 1969, Spanish, Portuguese, and American naval units conducted joint antisubmarine maneuvers. This exercise appears to have been designed for the purpose of assuaging Spanish annoyance over their exclusion from IBERLANT, the regional NATO naval command with its headquarters in Lisbon. Participation in IBERLANT would have given Spain the foothold in NATO which it has so long desired; failing that, the joint antisubmarine exercise with Portugal and the United States gives the Spaniards at least a toehold.

All these declarations and arrangements are de facto commitments on the part of the United States to the defense of Spain, possibly even against internal insurrection. In the Foreign Relations Committee's view, as expressed in its report:

> A military commitment to Spain could only be binding on the United States if it were the result of a treaty approved by the Senate. The making of such a commitment by means of an executive agreement, or a military memorandum, has no valid place in our constitutional law, and constitutes a usurpation of the treaty power of the Senate.

Although Senate Resolution 85 will not carry the force of law, it does express the judgment or opinion of the Senate as to the appropriate constitutional procedures for initiating war and undertaking commitments to foreign nations. At best, the resolution will help to create a new attitude within the Congress, an attitude of diligence in defense of congressional prerogatives, of caution and precision in legislative authorizations, of care in the oversight of the foreign activities of our Government, and of healthy skepticism toward the urgings and opportunities of the executive—especially those involving speedy action and sweeping grants of power.

In the long run, however, neither Senate resolutions nor any organizational or procedural devices are likely to restore congressional authority in foreign affairs. The restoration of constitutional balance will depend on decisions of a more fundamental nature, decisions as to the kind of country we want America to be and the kind of role we want it to play in the world. At present we are committed, or virtually committed, to a policy of unilateral military action in much of the world, to a policy of single-handedly maintaining what we believe to be a desirable balance of power, even though we must do so without significant allies, even to the extent of participating in other people's civil wars. If this is to be our course, if America is to try on its own to do all of the things that Wilson and Roosevelt hoped to accomplish through the collective power of a world organization but never even conceived of the United States undertaking alone, then the future can hold nothing for us except endless foreign exertions, chronic warfare, burgeoning expense, and the proliferation of an already formidable military-industrial-labor-academic complex—in short, the militarization of American life.

Under such circumstances, it is inconceivable that either federalism or independent legislative authority could long survive. Whatever lip service might be paid to traditional forms, our Government would soon become what it is already a long way toward becoming, an elective dictatorship, more or less complete over foreign policy and over those vast and expanding areas of our domestic life which in one way or another are related to or dependent upon the military establishment. If, in short, America is to become an empire, there is very little chance that it can avoid becoming a virtual dictatorship as well.

Only by being true to ourselves, by being the kind of country we set out to be in 1776, can we hope to maintain the vitality of constitutional government. We began our national life almost 200 years ago committed to the idea of making ourselves a decent example for the world. For a good part of our history, perhaps most of it, we adhered fairly consistently to that ideal, devoting our major energies and our resources to the development of our country and the needs of our own people. There is not the shadow of a doubt that the isolationism of the 19th century is obsolete and no longer feasible, but instead of recognizing that fact as something regrettable, we have seized upon it as if it were a blessing. Isolationism, after all, is really only another name for minding one's own business, and the only time that minding one's business is a bad thing is when others simply will not leave one alone.

Looked at in this way, a wise accommodation to the realities of the 20th century must be one of involvement in the world, to be sure, but of selective involvement, selective according to our interests and selective according to our resources—by which I mean our moral and intellectual as well as our material resources. Instead of making this kind of accommodation we have made ourselves ubiquitous in the world, as if there were no alternative to isolationism short of imperialism. I am reminded of the words of William James at the beginning of this century when it seemed as though America was embarked upon an imperial career. He wrote to Carl Schurz:

> What a role our country was born with, what a silver spoon in its mouth, and how it has chucked it away.[12]

I do not think we have yet chucked away the promise of America, although we are making impressive progress in that direction. I think it is still possible for us to restore the balance between foreign and domestic commitments. Power, it seems, has intoxicated us; it has caused us to mistake ambitions for interests, vanities for responsibilities. But perhaps we can still clear our heads of all this nonsense and learn to use our power with the temperance appropriate to a dangerous intoxicant, in which event it should be possible to restore some balance to our judgment and, with it, to our priorities and commitments. When these are in balance, it should not prove too difficult to restore the constitutional balance as well.

The resolution now before the Senate deals with the war power and the treaty power, exhorting Congress to reclaim

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them. But the more fundamental point to be made is that neither federalism nor independent legislative authority—including the war and treaty powers—can long survive in a country chronically at war. We must decide what kind of a country we want America to be; that decision, more than any legislative enactments, will shape our lives and institutions.

Mr. President, I sincerely hope that the Senate will debate the pending resolution as long as it wishes and as thoroughly as it wishes.

I believe that the Senate will come to the conclusion that the Senate is a great body, that it has an important part to play in the Government of the United States, and that it can reestablish a balance which will go far toward calming the turmoil which affects so many different areas of life in this country. I think they are related to the function which the Senate should play but has not played as I believe it should have.

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

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I compliment the able chairman of the Foreign Relations Committee for a very learned address in support of the commitments resolution. I hope to speak in support of the resolution later this afternoon.

However, I would like to say, since the Senator from Arkansas is one of the principal parents—if not indeed the father—of this resolution, that I believe it to be the most significant business the Senate is likely to consider at this session. I hope that it may mark the turning point from what has been a steady abdication of constitutional responsibility on the part of the Congress over a period of some 50 years, a turning point toward the commencement of a process by which Congress in general, and the Senate in particular, will begin to recover its constitutional prerogatives in the field of foreign policy and in the crucial matter of the commitment of American troops abroad.

I congratulate the Senator for his remarks.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I look forward to his remarks on the subject. The Senator from Idaho had a great deal to offer in the committee on the resolution.

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

Mr. FULBRIGHT. I yield.

Mr. GORE. Mr. President, I join the senior Senator from Idaho in complimenting the Senator for his address on the pending resolution.

I would like to advert, however, to the hope of the senior Senator from Idaho that the Senate began to exert its constitutional role. I respectfully submit that the Senate has already begun to do so.

The Senate was shocked—at least, a great many of us were shocked—at having been misled regarding the facts and circumstances of Tonkin Bay.

We undertook to exercise our power and influence to perform the role involved in advice and consent by traditional methods and found ourselves frustrated and ineffective.

It was then that the Senate Foreign Relations Committee under the leadership of its able chairman undertook to utilize the means of education and communication to go to the American people.

Perhaps the chairman will recall that on the first day of our hearings on the Vietnam war policy, the senior Senator from Tennessee made what some regarded as a bright statement—that we were undertaking to go over the head of the President to the American people. This is precisely what the committee did.

I think the hearings were enormously educational and very effective in stimulating debate, consideration, and assent at every level of our society—so much so that I think it is not too much to say that it was because of the influence of the Senate Committee on Foreign Relations, particularly its hearings, upon American public opinion that another major escalation of the Vietnam war was forestalled, and that the quest for victory, which was always a delusion under the circumstances, was abandoned, though not stated.

So in commenting upon the statement of the able senior Senator from Idaho, I want to suggest that the Senate already has taken, in the past 2 or 3 years, very effective steps to reclaim, regain, and reassert its constitutional power and its constitutional role and responsibility.

It has done so by utilizing methods not heretofore used by the Senate. Televised hearings, with distinguished witnesses under intense examination, constituted a drama that focused national attention and stimulated national debate such as would not have been possible otherwise.

Mr. FULBRIGHT. I thank the Senator for his comments. I agree with what he says. I think those hearings had a very beneficial effect.

But I believe the resolution makes explicit what I think may be implicit in what has happened and that many people have not been conscious of it. I think it will have a good effect on Senators who do not participate in those hearings, that it will have a good effect upon the Executive, and that it will be very helpful for those in foreign countries who become accustomed to accepting casual statements made by officials as commitments of the United States.

So it has many additional areas, although I think what the Senator has said about the hearings is quite correct.

Mr. GORE. I did not mean to imply in any respect that a committee of the Senate should be satisfied with what it has accomplished.

Mr. FULBRIGHT. I understand.

Mr. GORE. I think this is but the beginning of an effective reassertion. I doubt that the committee or the Senate should rest on its oars in any respect.

The processes of education, the powerful means of communication which are now available, must be utilized by this body. As I said to the Senator in the committee this morning, we are at another juncture which I think requires another major utilization of the processes of education and communication.

Mr. FULBRIGHT. I thank the Senator from Tennessee.

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

Mr. FULBRIGHT. I yield.

Mr. McGEE. Mr. President, I want to pay tribute to the chairman of our committee for launching this colloquy and this consideration on the question that the Senator from Idaho has pointed up very well when he said it may well be the most important single consideration that this body will indulge this year. That might be a little strong, but I think its portent for the future is very deep.

I rise now with a series of questions not primarily to challenge my chairman as much as to spell out some of the difficult issues that I am sure he will agree are present in this matter. It is not easy to resolve this matter, and we should be certain that the record of this body is a full one on the ramifications of the issue of responsibility in foreign policy and the relativity of those questions in this particular time—that is, 1969 and 1970. It is in that spirit that I rise at this time.

As a matter of public record, I think there are serious misgivings about the resolution. The central question is indeed how we can most effectively, within our structure, assign responsibilities for foreign policy. Likewise, I believe it is imperative that in this body we understand clearly and sketch out specifically what the role of the Senate should be, and reasonably can be and must be, in the nuclear age. This is important. I think there has been too much tendency on the part of many of us to let it slip by because it was convenient to let that happen.

Those, I think, are the questions to which we should be addressing ourselves as we discuss the several issues here. With that prefatory comment in mind, I wonder whether the Senator from Arkansas could be a little more specific in terms of at what point, in what instances, and under what circumstances the language of the resolution would come into play.

I read from the resolution:

> That a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality . . .

I think it is important that the legislative history in this body be very clear on that. For example, to be specific, would this have been involved, let us say, in the dispatch of marines to Lebanon in 1958 by President Eisenhower? Should that have been preceded by this kind of affirmative action? Is that a part of the intent?

Mr. FULBRIGHT. In that case, I believe there had been what was called the Middle East resolution, had there not? It was in pursuance of that. Now, whether or not the form of that resolution was just as it should have been is a question. But Congress had played a part.

I would say that in the case of the Tonkin Gulf resolution—leaving aside

now how it was procured—in form it was faulty, in that it undertook merely to approve anything he wished. It should have been in the form of a grant of authority to do something. That should certainly satisfy this resolution, if that is what the Senator means.

Mr. McGEE. The Senator does not mean by that, does he, that the Tonkin Gulf resolution—again leaving out the disagreements on what the resolution did or did not do at the time—was in violation of any procedures?

Mr. FULBRIGHT. No. If it had been in proper form of granting authority, it certainly would have been consistent with what I am trying to achieve here. It would have satisfied—as did the resolution in the Middle East—sometimes called the Eisenhower doctrine or the Middle East resolution. Congress played its part. It was consulted; it expressed itself.

There has been criticism by some of the authorities as to the precise form, that it always should be in the form of the grant of authority in order to satisfy the constitutional requirement. It must meet certain criteria, but I think I would not want to quibble about it. We might give advice, and it should be done in a slightly different way. That is different than the commitment with respect to the Spanish bases which we did not know anything about. That is a very important commitment. After I found out about it and its terms, particularly the last matter, I wrote a letter to the Secretary of State and I had conversations with him to the effect that if the Executive wished to renew it, the agreement should be in the form of a treaty so that the Senate could have an opportunity to pass on it.

At page 33 of the committee report, the committee seeks to deal with these criteria. If the Senator wishes, I would be glad to have that page printed in the RECORD.

Mr. McGEE. I thought that in light of the Senator's opening remarks it would be appropriate.

Mr. FULBRIGHT. Certainly. At page 33, there is set forth in detail the criteria that these resolutions should meet.

Mr. McGEE. It is appropriate that that material be printed in the RECORD.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the material which appears on page 33 of the committee report.

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

The committee therefore recommends that, in considering future resolutions involving the use or possible use of the Armed Forces, Congress—

(1) debate the proposed resolution at sufficient length to establish a legislative record showing the intent of Congress;

(2) use the words *authorize* or *empower* or such other language as will leave no doubt that Congress alone has the right to authorize the initiation of war and that, in granting the President authority to use the Armed Forces, Congress is granting him power that he would not otherwise have;

(3) state in the resolution as explicitly as possible under the circumstances the kind of military action that is being authorized and the place and purpose of its use; and

(4) put a time limit on the resolution, thereby assuring Congress the opportunity to review its decision and extend or terminate the President's authority to use military force.

Mr. McGEE. I assume, then, that the dispatch of American marines through Thailand during the Laotian crisis in 1962 would come under earlier actions, perhaps the SEATO Treaty.

Mr. FULBRIGHT. The Senator raises a difficult question. I have just dealt with SEATO. It is a difficult treaty to be precise about. I just read a moment ago in my prepared remarks about that matter for this very reason.

As then Secretary of State Dulles said in presenting it, he did not understand it to mean an authority to send troops, except under certain provisions. One provision was only to consult. The other was that any action taken must be under constitutional processes, which I take to mean it should have congressional authority to send troops.

Mr. McGEE. So as to interpretation now, in that instance, it would have been a case where affirmative action by this body should have preceded the dispatch.

Mr. FULBRIGHT. I think so. Otherwise, in presenting that treaty to this body we were deceived by the Secretary of State, in that if sending troops was contemplated, he should not have described SEATO as he did.

Mr. McGEE. What were the elements then at stake? By that I mean, was there any urgency in terms of the Marines in 1962 when there was probing for a Laotian truce?

Mr. FULBRIGHT. I am not aware of the facts to the extent that I have an opinion on it. The Senator would have to relate the precise situation he is speaking of.

Mr. McGEE. I am speaking now of the dispatch of the Marines through Thailand at the time they were trying to work out a truce in the Laotian crisis in 1962.

Mr. FULBRIGHT. I apologize for not being as aware of the details as I perhaps should be.

I remember an occasion when a group of us were called to the White House prior to that time and consulted about whether or not we should authorize the President to send 30,000 troops into Laos, as I recall. All of those persons who were called down to the White House said it was a very bad idea, and he did not send them. That was prior to the occasion about which the Senator is speaking. That was in 1958, as I recall.

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

Mr. FULBRIGHT. Can the Senator describe the situation?

Mr. CHURCH. Mr. President, I rise not to take issue with the implication in the Senator's question that there may have been an element of urgency involved in Laotian situation, but to say that the question itself really reaches to the heart of the argument in support of the resolution.

Whenever the President has dispatched American troops abroad, one must assume he felt there was urgency; but if the President has the power under the Constitution to commit American troops to battle in distant lands, whenever he feels there is an element of urgency justifying the action, then the war power which the Constitution invests in Congress has indeed passed to the President.

In other words, the exertion of such power cannot be justified on the ground that the President thought it urgent. The question is whether the power was meant to be exercised, under the Constitution, by the President or the Congress.

Mr. CHURCH. I think the only urgency that would justify Presidential action without congressional consent is the urgency of a clear and immediate danger to the security of the United States itself. In such a case, there is no argument about the fact that the President, as Commander in Chief, has the power under the Constitution to order American Armed Forces into action.

However, a foreign crisis that is remotely situated—that occurs in some distant land—cannot justify a Presidential decision to go to war, in the absence of congressional authorization. I think that is the nub of the argument.

If, whenever the President feels an urgent situation exists abroad, he is conceded the power to send American forces into action, then the provisions of the Constitution have been rendered meaningless. All the power would then lie in the Presidency.

Mr. McGEE. It occurs to me that far distant lands take on a different meaning in 1969 than they did in 1889. We have other problems that have raised their heads. That is what makes it so difficult. The matter probably comes down to a question of what is in the national interest. I have heard historians argue that Manchuria, a distant land, in 1931 may have had some bearing on the ultimate events that finally brought about Pearl Harbor. It is difficult to be firm on these matters and that is why I thought we should take time to spell them out.

Mr. FULBRIGHT. I do not think because Manchuria would have a relation to Pearl Harbor it would give the President authority to intervene in Laos.

Mr. McGEE. I was using a parallel to the Senator's reference to distant lands, which may have some relevance.

Mr. CHURCH. I would be the first to concede that urgent considerations might well justify a decision to go to war in a distant land, but I submit the Constitution intended that judgment to be made by the Congress, and for that reason vested the war power in Congress.

Mr. FULBRIGHT. The Senator is correct.

Mr. McGEE. Is it conceivable to send troops by Executive decision into a place like Laos in 1962, let us say, to avoid a war? We never know. It is conceivable that the Executive, in anticipation of this kind of crisis becoming more serious, might believe it could be arrested.

Mr. CHURCH. It is indeed conceivable that the Executive might act very wisely. On the other hand, the Executive might act foolishly. But the question is not whether the Executive acts wisely or foolishly. The question is, Does the President usurp the constitutional authority

vested in Congress when he commits American troops to battle abroad, without the question coming before Congress, where the circumstances do not involve an immediate threat to the security of the United States?

If that question is answered in the negative, then the clear provisions of the Consitution are simply cast aside. If the question is answered in the affirmative, it follows that the pending resolution should be approved as a reassertion of congressional prerogative.

Mr. McGEE. Would it be fair to suggest that political scientists in the land are quite severely torn over the constitutional intent in this particular regard? It is not a matter now of where one stands on Vietnam, or whether he likes the President, but where that line is drawn. Most of us have spent a great deal of time talking to many students of the question, and they are pretty well torn up on it, too. That is the reason I would caution we be not quite so absolute in our judgment as to what real intent was there. I think a valid measure is what the times indicate should be done. We should either amend the Constitution, if that is our judgment, or we should take the proper steps in order to place it in a context that we believe would be the proper procedure under crisis situations.

Mr. FULBRIGHT. We are certainly not intending to amend the Constitution. If anything, this resolution seeks to bring the practices of our Government back to the Constitution. We are trying to be, one might say, stricter constructionists, if I may use that phrase which was so freely used last Monday with regard to the constitutional powers of Congress.

I do not believe the fact that the President may think something is urgent has anything to do at all with constitutional powers in this sense. It is a constitutional power. His actual power is in his power to order troops, as long as those troops will obey him. Of course, he can do that. They have done it that way in country after country. What we are trying to do in this debate is to preserve our constitutional system.

Mr. McGEE. If one wants to be a strict constructionist of the Constitution, as I reread the appropriate passages in the Constitution, strictly constructed, it leaves open the question of what the President can do, with three exceptions, does it not? They are the expenditure of money in this regard, in the execution of treaties, the signing of treaties, and, finally, in the declaration of war. That is the way it reads.

Mr. FULBRIGHT. There is so much misunderstanding of what it reads that I should like to read the parts in the Constitution which are pertinent to this; that is, section 8, which reads:

The Congress shall have the power—

And then there are lots of things about taxes, and so forth. Then we come down to the part where the United States can declare war—

To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;—

Let me say there, that we are very careless with that phrase, too.

Continuing reading:

To provide and maintain a Navy;—

Now this is the part which is grossly misunderstood:

To make rules for the Government and regulation of the land and naval forces;—

Mr. President, if you read some of the statements I have made, we realize how they have been completely ignored.

Continuing reading:

To provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repell invasions;—

That is what Congress has to do, not the President. The Congress has these powers.

Continuing reading:

To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. President, actually, these are very broad powers. I think that many people in this country have come to the feeling that about half, or most of them, are Executive powers. That is one of the reasons why debate on this resolution should be developed. We have failed "to make rules for the government and regulation of the land and naval forces." At least we have not pursued that very far. I say that we have neglected many of the powers we should exercise, to which I plead guilty. I must plead guilty to having played my part in neglecting them, along with many others.

The President is the Commander in Chief. There is a very significant passage, which I have thought about, which Hamilton wrote. He, as the Senator knows, was a strong Executive man. That power was one of the main points of contention between him and Jefferson. Hamilton had this to say which I think is very significant and we should remember it, especially under these circumstances:

The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Mr. President, that is a very significant passage, I think, in interpreting what is meant here.

Now Jefferson, in a letter he wrote to Madison in 1799, wrote as follows:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Mr. President, I particularly emphasize that last phrase because that is another part of what we are arguing about right now: Those who are to spend and those who are to pay. Both of these gentlemen, it seems to me, agree that this language means what it says and that the President is simply Commander in Chief. He does not have the power to make the regulations and to say how the Armies are to be governed, and so forth. He is the Commander in Chief, once war has been declared. With that exception, we have already agreed that it is his duty to repel an attack or an invasion of the United States which may come suddenly and there might be no reasonable time to confer with Congress, in contrast to what the Senator considers an urgent situation. I confess that I have forgotten about the details of some movement in Laos 10,000 miles away. I do not believe he, under the Constitution, has authority to do that, unless it is in pursuance of a treaty or an agreement which Congress has participated in making.

Mr. McGEE. Mr. President, the referral back to the days of our Founding Fathers also calls to my mind that Hamilton and Jefferson, specifically Jefferson—a theorist on constitutional intent—became quite a different kind of advocate upon becoming President. It was Jefferson who reminded us that the Constitution probably should be overthrown or scrapped about every 30 years, to let the new generation write a new one that would be up to date——

Mr. FULBRIGHT. I would not object to our doing that.

Mr. McGEE. But what has kept it alive, which is the point, I think, is that each generation, at each interval in history, has generally updated the relevance of the Constitution to its times. I think that most constitutional students explain its survival—that is, for over 180 years—with such an approach undoubtedly, our Founding Fathers did not envisage the kind of nuclear age in which we now live, the shrinking of the time factor, or the erosion of the distance factor in the world, and all of that.

Therefore, I think it behooves us to address ourselves to the policymaking responsibility at this time, and try to determine where we should lay it. That is basic, I think. That was my suggestion to the chairman of the committee in regard to his allusion to Mr. Hamilton and Mr. Jefferson.

Mr. FULBRIGHT. Jefferson had something further to say on that. But first, however, before I refer to a further thought of Jefferson, may I say I think there have been a number of changes in the commerce clause, and so on, that were very drastic, and we have had a number of amendments to the Constitution. But on the question of warfare and the committing of our people and our young men, so long as we are a democracy, to fight in a foreign country, and the decision as to whether we should fight, I cannot see any excuse for changing that. I cannot see any reason why we should better trust the judgment of one man over that of the Congress. I reject that thought, along with a num-

ber of others. But, with regard to the Constitution, I think it has served us well.

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

Mr. FULBRIGHT. May I first quote a comment of Jefferson?

I read from page 11 of the report:

> Early in his term of office President Jefferson sent a naval squadron to the Mediterranean to protect American commerce against piracy, but it was not at first permitted to engage in offensive action against the Barbary pirates. On December 8, 1801, President Jefferson, having judged that offensive action was necessary, sent the following message to Congress:
>
> "Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean * * * with orders to protect our commerce against the threatened attack. * * * Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. * * *"
>
> Then, referring to the capture of one of the Tripolitan ships by the American ship *Enterprise*, Jefferson continued:

And I draw particular attention to this, in view of the Senator's comment:

> Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself on a knowledge and consideration of every circumstance of weight.

There he was very careful to comply with the Constitution. I only wish that others of our Presidents had been as careful with the facts.

Mr. McGEE. Mr. President, may I respond to that in a very brief way? The net result of Thomas Jefferson's two terms was almost a 180-degree shift in his philosophy on the Constitution, and its intent. As Chief Executive, he became a very loose constructionist, even though he was a strict constructionist in theory at the outset. That is just the point I was making.

Mr. FULBRIGHT. May I say that every President has done that. Woodrow Wilson, who was such a scholar and advocate of the Constitution, in my view, when he became President became impatient, as is true of all Presidents, with the Congress. Not only our Presidents, but I think every executive in every government, whether it is the United States or anywhere else, becomes impatient with their legislative bodies; and a great many of them have succeeded in abolishing their congresses. I am trying to prevent that, if I can, in this instance.

Now I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, it seems to me our current situation may validate the wisdom of the Founding Fathers that there should be the involvement of the elected representatives of the people in making a decision to go to war.

A few days ago someone inquired of me if I thought wage controls, price controls, and rationing would be instituted as a check on inflation. Rightly or wrongly, my response was, quickly, "No." I thought that these powers, these restraints, could be applied only with the greatest of trouble when the country was unified in a war effort, but that, under our present situation, in which a large, at least a significant, portion of our people question the legality of the war—since the Congress did not declare it—question the morality of the war, there would not be sufficient public support and compliance to make the imposition of wage controls, price controls, and rationing feasible.

Whether my opinion was right or not, I cite this as an illustration.

I believe there is far more divisiveness in the country than would have been the case had the Congress been involved and Congress had declared war.

Mr. FULBRIGHT. I agree with the Senator. I think it is a very good point.

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

Mr. FULBRIGHT. I yield.

Mr. CHURCH. I would like to make one comment about the argument so often advanced, that has been well articulated here on the floor by the Senator from Wyoming, to the effect that times have changed, that the world is smaller, that nuclear arms have made the dangers greater, and therefore that, somehow, the Constitution has been outmoded, and that we ought to recognize it and catch up with the times.

Well, no one can question that the world has shrunk or that nuclear arms are very dangerous; but if this argument has any applicability at all, it relates to a situation where some sudden danger threatens the United States. In such a situation, no one contends that the President does not have plenary power to use the whole arsenal of weapons available to protect the United States.

So I just do not see how that argument bears on the resolution before us.

But if, as the Senator seems to suggest, the times have rendered the Constitution obsolete, if the Congress is no longer able to competently discharge its responsibilities for war and peace, then the remedy should properly lie with the amendment of the Constitution itself, because, as George Washington said in his Farewell Address:

> Let there be no change in usurpation. Although this in one instance may be the instrument of good, it is the customary way in which free governments are destroyed.

This is the very reason why so many of us are so deeply concerned. When Mr. Katzenbach, as spokesman for the President, came before us and, in effect, said:

> All of the power for war and peace rests with the Presidency; it inheres in the Presidency whether or not Congress acts.

Then I say the Constitution has been cast aside by usurpation. We ought not to let that happen. If we do, we permit the Presidency to become a Caesardom.

Mr. FULBRIGHT. The Senator has raised a question that emphasizes the point that such decisions by the Presidency today are much more important than heretofore, in the sense that we could be destroyed by nuclear weapons. Therefore, this question is more important, and, therefore, the validity of the Constitution and living up to it are of even greater importance than they were previously.

Before, a short-sighted or ill-informed President might make a decision that committed us to war and it would not be very disastrous. For example, we went into the Philippines and pushed around a little fellow, Aguinaldo, who thought he was trying to help us. He thought we were his friends. But that did not harm anybody except the Filipinos.

Today we run the risk of nuclear warfare and all its consequences. Therefore, I would say the collective judgment of Congress is even more important today, because of the consequences, than it was at the time the Constitution was written.

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

Mr. FULBRIGHT. I yield.

Mr. McGEE. That is a very excellent point, but that point cuts both ways. I think urgency, again, is a key question of the nuclear age. It introduces a time factor and a geographic factor that were not present before. Our real problem is, Which is the lesser of the evil choices, possibly, that face us, for the simple reason that we have to choose where to repose such a frightening authority? The sensible issue is, Where can we most wisely repose that authority in the national interest and in the interest of the national security?

That is the tough one, and I do not think we will resolve it by simply saying that because the world is more complex and the decisions are more earth-shaking, therefore we should go back to the Founding Fathers in 1789 to discover the process that would bring us to the wisest possible decision and position. I think that avoids the issue. That avoids the question.

The Senator has put his finger right on the issue, and that is that the change in times in fact requires some other risk.

Maybe we do need to set up some other kind of system to cope with this situation. Maybe we should not trust the President. But all this says is that under the procedures that the Senator has been outlining, we probably play into the hands of indecision, or a decision that would be too late in some conceivable circumstances.

Mr. FULBRIGHT. Maybe the Senator is correct. I do not think he is. I do not wish to change the function of the Senate.

The Senator's comments remind me of a point made in a recent hearing, I believe it was by Mr. Kistiakowsky, that if we follow the suggestion of the present administration to create an ABM, we are going to give this decision to a computer, and we are not going to have anybody, the President or us, involved in it. We are just going to have somebody pushing a button.

That is one of the reasons he objected

to the ABM. He does not trust computers any more than I do.

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

Mr. FULBRIGHT. I yield.

Mr. GORE. He actually said that the computer must be programed months, perhaps 2 or 3 years, ahead of time. So it might not even be a sergeant who pushes the button; it might be some programmer, a computer punch-card operator, who unimaginatively sets up a situation some 2 or 3 years ahead of time that touches off a war.

Mr. FULBRIGHT. That calls to mind an article in this morning's paper that said the brains of the Minuteman had proved defective, that they did not last as long as they were supposed to; that the North American Rockwell Co. had not made the brains of the missile to last as long as they should have.

It is true this urgency the Senator from Wyoming is concerned about is leading some people—not the Senator from Arkansas, I might say—to want to delegate these powers to computers. I do not want to give the decision to a computer, any more than I want to give it to the President. I think it ought to stay where it is, and that is in Congress.

Mr. GORE. If the Senator will yield, I should like to refer to a situation that may afford a little levity, but nevertheless illustrates a danger.

Speaking of computer decisions, the wife of a Member of this body recently received a very handsome check from the Social Security Administration, as a survivorship and death benefit for the loss of her distinguished husband, whose voice is still heard here frequently.

Mr. McGEE. Mr. President, if the Senator will yield——

Mr. FULBRIGHT. I yield.

Mr. GORE. I should add, the check was returned.

Mr. McGEE. When I was visiting with a group of British students near Oxford several years ago, there was brought in to them a sheet purporting to show what new problems the next generation would be confronted with. The heading of one of the lead articles was, "Government Computer Resigns." They were going to have to find some other support.

I should like to say to the Senator from Arkansas that I think we are coming close to skirting around the real question here, which I think is desperately important: that times have changed the old war declaration processes. I mean it used to be, in the good old days, whenever that was, that somebody attacked somebody outright, and you had to have a quick session, and you declared war. But now we have been confronted by circumstances where wars can actually come into being because of, sometimes, unpredictable or at least risky circumstances.

Mr. FULBRIGHT. Will the Senator please give me a recent example?

Mr. McGEE. I think, for example, if the President of the United States had decided, instead of flying the airlift into Berlin in 1948, to run, rather than the airlift, let us say, a ground mission to break the Berlin blockade, at least we are told now, in hindsight, there almost certainly would have been a shooting match out of it. We would have been committed. Yet the action itself was not protested at the time. I have not heard it protested even in this dialog, to suggest that there the President exceeded his responsibilities.

He had to make a decision, and move, and yet that probably was the kind of a test that could not have been or would not have been formalized by a declaration of war.

Or it is conceivable in the case of Southeast Asia right now, where a formal declaration of war could actually freeze the situation and make it less viable in terms of the options that can still be available for trying to deescalate it.

I just think the situation has changed from the days when you could have Germans fighting Americans, or Americans fighting Japanese, in the old ways.

Mr. FULBRIGHT. The other side of that is that if the President had come to this body and asked for a declaration of war, and we would have had an opportunity to know all we know now, we would not have been there; there would not have been any war.

The three recent actual cases, not hypothetical, in which there has been an alleged emergency, which I think was not true, in the sense of calling for the circumventing of the Constitution—the Bay of Pigs, the Dominican crisis, and the Tonkin Gulf matter, there certainly was no threat to the United States.

To me, an emergency means there is some immediate serious threat to the United States. We are here to represent the United States. I did not think I was sent here to respond to an emergency that might threaten somebody in the Dominican Republic or North Vietnam. There certainly was no real emergency in the sense of a threat to the United States in either the Bay of Pigs, the Dominican crisis, or the Tonkin Gulf.

These are all real cases; they are not hypothetical. I think the consequences of all three were disastrous, and I think Congress should have been consulted about them. I cannot think of any case to support the Senator's position. I think the President can come here when there is a real emergency.

We are not talking, of course, about an attack upon the United States. We all grant that is an emergency, and that he is authorized—and is not only authorized, but I think has the duty as Commander in Chief—to use the Armed Forces to protect the United States itself.

However, to project that to any and every place in the world, because it is the President's idea that there might be some relationship to a threat to the United States, seems to me to go far beyond the meaning of the Constitution, or, in my view, even good sense, because I think Congress ought to make that decision.

Mr. McGEE. Would the Senator agree that had there been a declaration of war in Vietnam by our Government, by the Senate, that the situation would probably have been more risky in terms of world politics, than to leave it undeclared?

Mr. FULBRIGHT. I do not see that it would. Not only that, but I think it would have prevented much of the divisiveness here at home, because it would have been done in accordance with the constitutional process.

Mr. McGEE. I agree with that.

Mr. FULBRIGHT. I do not see how the situation could be any worse abroad. Vietnam is one of the worst wars we have ever been engaged in. I do not know why the Senator thinks it would have been made any worse than it has been, simply by declaring war instead of agreeing to the Tonkin Gulf resolution.

Mr. McGEE. It seems to me the possibilities are rather legion. Once you declare war, you affect the attitude and official acts of a great many nations that you would like to keep from interceding. You almost automatically induce a blockade; and once the blockade is in force, you have, then, the follow-up incidents beyond that. I think you then have frozen your flexibilities, that enable you to try to hold it in check, or even to deescalate it.

There again, it seems to me that in this nuclear age we have to be a little more restrained in that kind of circumstance, and I think it is a good case in point.

The Senator and I are assuming hindsight in terms of Vietnam, looking back now; but history did not give us that hindsight in 1964. One could not have foreseen the things that have happened now. A few claim they could have, but in fact we had to act at that moment, and make that kind of decision; and I suspect, in view of the dimensions of the Tonkin Gulf vote in this body, that a vote that would have gone a step further, a declaration of war, probably would not have been too much different somewhere around that same interval of time. But that again we cannot prove.

Mr. FULBRIGHT. Mr. President, if we had known the truth of what happened, I do not think there would have been any declaration of war. I was deceived. I was told untruths about what happened that precipitated that. It is hindsight whenever one has been deceived and lied to. It is hindsight.

Mr. McGEE. What is to change that circumstance in the pending proposal?

Mr. FULBRIGHT. It is true the Constitution does not guarantee that all our Presidents will come in and tell us the truth. I think most of them do. It is unusual when one does not. Of course, this was not the President. It was one of his spokesmen. The President did not personally appear.

There is no guarantee. Normally we are not told a lie. However, when we have open discussion and debate, the truth usually comes out. That is one of the main reasons we have debate. In that case we did not have debate. We accepted the statement.

This is what I was talking about last Monday. I had nothing against the then nominee. I was only saying what we all professed to believe in with regard to a nomination or whatever it may be, declaration of war, or even the passage of an act. However, strangely enough, sometimes there is urgency. We were told we had to do it immediately.

There is not anything very important about it. I still believe, I do not think it is old fashioned in that sense. I think it

is the best way I know to elicit the truth and the facts and know what we are doing. I think that would have been much better.

I doubt seriously if there would have been any declaration of war if the facts had been on the table and we knew what we were doing.

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

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, it is unquestionable that the war in Vietnam is no less a war because it has not been declared.

I think that counting our casualties this month, they will exceed the total casualties in the First World War, making Vietnam the second largest foreign war in our history. Certainly, it is as much a war to those who are involved in it, even though it remains undeclared.

It appears to me that the Senator from Wyoming is arguing that Congress, under the Constitution, has the power to declare war, unless the President decides that the war shall not be declared.

I am quite certain that the Founding Fathers didn't mean that when they gave the war power to the Congress, because the debate at the Constitutional Convention turned on the need for placing such a grave decision in the hands of many elected representatives rather than one man. However wise he may be, it is too much power to entrust with one man. This was the conclusion reached by the Founding Fathers. This was the result of the Constitutional Convention.

However, the Senator argues that although Congress has the power to declare war, the President can go to war if he decides it should be undeclared. Such a proposition patently circumvents the Constitution, and I think there is no historical support for such an argument.

Mr. McGEE. Mr. President, I think the Senator will find executive decisionmaking in this field over the last 40 or 50 years.

I think the times require, very possibly, that we restructure the constitutional process in this day and age. I think this makes the point very well, because sometimes—and I think the Senator would concede this—it is conceivable that quick action in a number of very local and seemingly insignificant crises could do a great deal to head off something worse or much larger happening.

When it becomes a wrong action, it becomes a great mistake that has been made. When it goes right, we do not hear more about it.

Berlin worked very well. The stopping of the Cuban missile crisis went very well. It did not involve action by the Senate. Yet, the President was just as free to decide whether to shoot foreign vessels going to Cuba.

Mr. CHURCH. Mr. President, the two illustrations given are not pertinent to the pending resolution. In the first place, the Berlin defense was a responsibility we assumed under the NATO Alliance and under agreements made at the end of the Second World War.

Mr. McGEE. Except that it would commit us to war.

Mr. CHURCH. But our position in Berlin and Western Europe was taken under a treaty obligation which, approved by the Senate, as the Constitution prescribes, whereas in the second case the President was obviously acting in the immediate defense of the Nation, because of the couvert establishment by the Russians of large missile bases in Cuba which constituted a threat to the security of the United States.

Neither case conflicts with the purpose or intent of the pending resolution.

Mr. FULBRIGHT. Mr. President, the Senator made a suggestion with reference to a restructuring. Does the Senator contemplate offering an amendment to the Constitution to deal with the question?

Mr. McGEE. No, I am not proposing an amendment. I am suggesting that it might be more in order from the Senator's point of view and from the standpoint of what he is proposing here.

Mr. FULBRIGHT. It is not my point of view. I am not proposing to do it. But if the Senator believes it would be a more effective move by way of a constitutional amendment, I would be very interested to see it.

I have no idea of doing it. I think the present constitutional provision on this point is certainly adequate if we would live up to it. What I object to is the fact that we have departed from it. As I say, I share the blame along with many other Senators for not really asserting the Senate's proper role in the matter.

I am not blaming the President or anyone else. I am saying that this is the proper way we should go about it.

Mr. McGEE. With all due respect to the fact that we have this conflict, I realize that students of constitutional history and political science are divided on this. My suggestion is that such a step might be in order. I do not know. I am inclined for the opposite reasons to think it is not necessary, as the Senator knows. However, maybe this is what the Senate ought to be focusing on.

I noticed in an article in a very recent issue of the New Republic that Hans Morgenthau, for example, makes a very strong case for the power of the President in foreign policy, saying that in the emergence of our Constitution and its interpretation there is almost nothing that the President cannot do except to declare war, but that he can erode the congressional option in the field of war by acts in which he can commit troops. He even goes so far as to suggest that in the Tonkin Gulf joint resolution, if Congress had voted against the joint resolution, the President would have had other commitments he could have undertaken.

Mr. FULBRIGHT. Did he say he was opposed to the passage of the resolution?

Mr. McGEE. No, I am talking about the power in the Constitution.

Mr. FULBRIGHT. Did Mr. Morgenthau say that he was opposed to the passage of the resolution?

Mr. McGEE. Let me read exactly what he had to say about the resolution.

Mr. FULBRIGHT. I do not want the whole article.

Mr. McGEE. I will read two sentences.

Mr. FULBRIGHT. Was his conclusion in the article that he thought it was a resolution that should be passed?

Mr. McGEE. On page 18 he said:

> Resolution 85 is not an appropriate instrument for adjusting our real balance of power in foreign policy between the President and the Congress.

His conclusion is that it might serve a political use.

Mr. FULBRIGHT. He was in favor of its passage?

Mr. McGEE. As a political instrument. He thought it was ridiculous as an instrument in restoring balance, which he said was never there, was not intended to be there, and is not a part implicit in the Constitution itself.

I am not quarreling even with his conclusion. He wants to make sure that we are moving in the right areas and doubts that we are.

Resolution 85 will not achieve the purpose that he thinks we ought to be addressing ourselves to, and likewise it may even introduce some unintended implications. However, I will develop those in a speech a little later. I do not want to take the time of the Senator now.

Mr. FULBRIGHT. Mr. President, did the Senator say that he would not really quarrel with Mr. Morgenthau's conclusion which is that it would be a good thing to pass resolution 85?

Mr. McGEE. No, I did not quarrel with his conclusion that in his judgment resolution 85 was only a political crutch that had nothing to do with restoring power under the Constitution.

Mr. FULBRIGHT. This is a political body. I do not say that I quarrel with that. I said only that I was not seeking to change the Constitution. It was not a matter of engaging in an academic argument. I was seeking to change the attitude of Members of the Senate. I hope that future executives and also foreign countries will realize this. I think that would be most important.

I would judge that Mr. Morgenthau, having said he thought it would achieve that political purpose, would vote for this resolution if he were a Member of this body.

Mr. McGEE. Now we are speaking of the words.

Mr. FULBRIGHT. The Senator brought it up. I have read the article. My idea was that he was in favor of the resolution, which is the important thing. What we are dealing with here now is, Are we for or against the resolution?

Mr. McGEE. That is not what we were discussing at this point.

Mr. FULBRIGHT. I am inviting the Senator from Wyoming to bring in a constitutional amendment which would meet Mr. Morgenthau's idea of what should be done.

I do not say the Constitution is perfect. There may well be some way to make it better. I do not happen to know what that way is right now.

Mr. McGEE. I do not know what that way is. I think we may even be groping for it and hoping that somehow, in our exchange, we can shed a little more light on this. We all like to think that we make some contribution in that way. We may not. But I do think that we do not address ourselves to that question by avoid-

ing the central issue that has been bandied about here this afternoon in our colloquy.

Mr. FULBRIGHT. I am not trying to avoid any issue. I do not know what issue I am avoiding.

Mr. McGEE. We were talking about the powers of the President in foreign policy and about how the Constitution had become warped and thrust out of balance of executive power and this sort of thing.

Mr. FULBRIGHT. I did not say the Constitution was warped—what concerns me is the use of it by the President and ourselves. The Constitution on this point, I think, still stands.

Mr. McGEE. That begs the question again, for the simple reason that those of us who disagree with the chairman on this particular issue believe that there has been no straining of the Constitution or no abuse of the Constitution through some of the executive decisions that have been made, that they are entirely in order under the Constitution.

The question really is, Is it wise in times as difficult as these, as the Senator from Idaho has said, to repose that much responsibility with the President? There may be some other option.

Mr. FULBRIGHT. Does the Senator really believe that the kind of commitment we have with the Spanish Government is correct, that it should have been made as it was, as an Executive agreement—not only an Executive agreement but also a secret Executive agreement—and that Congress should not have known anything about some of those provisions? Does the Senator really believe that?

Mr. McGEE. I am no apologist for the Spanish Treaty. I think that was a flagrant case of abuse.

Mr. FULBRIGHT. I thought the Senator just said it had not been abused.

Mr. McGEE. I think that was a flagrant case of abuse.

Mr. FULBRIGHT. I have difficulty in following the Senator.

Mr. McGEE. I am saying that we are trying to find a procedure for coping with the kind of problem to which the resolution purports to address itself. I am only suggesting that the resolution, in my judgment, does not seem to get at the root of the problem. Whether it takes a constitutional amendment, I do not know.

Mr. FULBRIGHT. I would be glad to have a suggestion from the Senator as to how to improve it. I am a man of very limited capabilities. I have done the best I can. I welcome the Senator's contribution. If he can think of something, he can offer it next Monday as a substitute, and I will listen to it with great interest.

Mr. McGEE. In the judgment of the Senator from Wyoming, I rather was impressed with the conclusion that the Senator from Arkansas reached in 1961. I thought the chairman had turned out an excellent piece on the question of executive power in foreign policy. I appreciate the fact that the Senator has changed his mind on this, but let me read into the RECORD what I think is persuasive in these times. This is from the article in the Cornell Law Quarterly, in 1961, by the chairman of the committee:

> I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.

Then a second pungent paragraph:

> The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes.

I mention these because I think they are thoughtful. They may turn out in hindsight to be wrong conclusions, but I was impressed by them.

In that article it was also suggested:

> It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators.

I assume that means the Senate.

In that article the Senator put his finger on what I believe is a basic problem here. It may be that we have to end up following the procedure that he is advocating at this moment, but I do not think we should jump into what he advocates now without carefully pondering what he advocated in 1961. I think it makes good political science sense. It was a thoughtful piece in depth, in my judgment. That is the reason why I believe those statements belong at this point in the dialog.

Mr. FULBRIGHT. It is perfectly proper for the Senator to put it into the dialog.

Of course, I am not a professor of constitutional law. I am a politician in the Senate. Under the circumstances of that time and the circumstances of the Middle East resolution—if I recall correctly, I opposed that resolution—I believe I voted against it. Actually I may have been absent at the time, but had a pair against it. If my memory is correct, I was against it.

However, I did state what the Senator has read, and under the circumstances of that time I felt that it was correct. We had then a President who was very reluctant to exercise Executive power and had been all during that period. He was almost the opposite in his approach to the exercise of power, as a President, from the one in the office when the present resolution was introduced. Of course, as the Senator knows, the circumstances under which we operate often, as of a given time, influence a judgment. However, in view of the experience of the relatively quiescent period of President Eisenhower and the very active period under President Johnson, there is no doubt that I have changed my mind as to which is the more dangerous to the welfare of the country. The restraining influence of Congress upon an overactive and overambitious President is the much safer course for the country.

Mr. McGEE. I very much respect the accumulation of the record that would prompt a change, because I think the ability to change one's mind is a measure of positive outlook on that.

Mr. FULBRIGHT. It is not only the changing of the mind but also the circumstances that surrounded and were in existence at the time of those statements.

I would say that I have often been questioned not only on this particular point, but on others, by people of different views; but, as men dealing with specific issues that come before a body such as this, I think we always have to make our judgments in the light of the circumstances as of the time the judgment is made. This is true of all kinds of issues—some of them the most controversial of recent years, such as racial problems, and so forth. The conditions change and the legislature changes, and the law itself is changed.

But in this case I do not see that that has any particular relevance to this resolution and the circumstances with which we are now confronted.

Mr. CHURCH. Mr. President, will the Senator yield at that point? I wish to make an observation and then ask a question.

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, earlier in the colloquy I believe an article by Hans Morgenthau was referred to, and it was stated that he approved of this resolution as a politcal matter; and the Senator from Wyoming said that was one thing, but the fact remained that the resolution could not change the Constitution, which is correct.

I believe the purpose of the resolution is a political one; that is to say, we would hope its passage would help to create a new congressional attitude toward foreign policy.

I have a speech which I intended to deliver this afternoon. We have reached the witching hour. It is 10 minutes after 5. In the course of that speech, I was going to make these remarks:

What, one may ask, could be expected to come of a new congressional attitude toward foreign policy? First, one may hope that it would encourage the Congress to show the same healthy skepticism toward Presidential requests pertaining to foreign relations that it shows toward Presidential recommendations in the domestic field. One may hope that the Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, the Congress would hereafter, state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would not otherwise possess. One may hope, finally, that the Congress would never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

In other words, I think this whole exercise is for the purpose of defining the constitutional issue, of reasserting

the philosophy underlying the division of power, and to reaffirm that proposition. Otherwise, the debate would have no purpose. But if the debate does serve that purpose, and if it results in the approval of the resolution pending, then I think in the future the Senate will be much more inclined to take seriously the constitutional responsibility that I believe rests in this body in foreign policy matters.

If this is a political purpose, why this is a political body, and it is a relevant purpose, indeed, in my judgment.

Mr. FULBRIGHT. Mr. President, I hope the Senator will not give his speech today. It is now 10 minutes after 5. I hope he will save his speech until tomorrow, when there will be better attendance. The Senator has paid so much attention to this matter and he had so much to contribute to it in committee that if it does not prejudice his plans too much, I would hope he would save his speech and deliver it tomorrow or on Monday.

Mr. CHURCH. I have the problem of having already released the text of the speech to the press. I would be happy to put it over until later, perhaps tomorrow, with the understanding that I have already authorized its use today.

Mr. FULBRIGHT. We anticipated we would get on to this matter earlier. The majority leader did not realize how long the previous matter would take.

Mr. CHURCH. By all forecasts, it looked as if there would be ample time.

Mr. McGEE. I thought it was coming up last Monday.

Mr. CHURCH. I shall comply with the request of the distinguished chairman and put it over, with the understanding that the press already has the text and they are free to use it.

Mr. FULBRIGHT. I wish to make one further comment with respect to the statement of the Senator from Wyoming, because I now recollect more of my previous attitude. I refer to my attitude toward what was called the Middle East resolution. Those resolutions were, in effect, and I believe drawn that way, very much like the Gulf of Tonkin resolution. They were to give approval in advance—not a grant in authority, but approval in advance—to do anything the President wished to do.

As I recall, I said it was a bad practice. If the President had authority, and if he thought there was a threat to the security of this country, he should act and take the chance of not having consideration by Congress before the fact, but after the fact. He had to do whatever he thought it was his duty to do, and then we could judge whether or not that was in the Nation's interest. In other words, we would be free to say whatever we had to say about it. That is one of the things I said. I do not recall I said absolutely he knew he had the authority to do what he intended. I did not know what he intended to do at that time.

I think a similar argument was raised by the former Senator from Oregon with regard to the Formosa resolution. At that time I believe I voted for the Formosa resolution. But by the time the next one came around I had had a chance to look into the matter and I voted against it because I felt we should not be asked to give approval in advance.

If he has the authority the Constitution gives him—and it is up to him to decide—the authority and judgment as to whether the situation warranted action were his. To require him to take that chance makes him more responsible than if we give a blank check in advance. I think that is still true. If he has to answer for his actions without a blank check or approval in advance he will be a lot more careful how he uses it. I am not too clear as to exactly what I said, but I would be glad to look it up if the Senator wishes.

Mr. McGEE. My point in mentioning these particular paragraphs from the chairman's article in 1961 is not to quote him against himself at all. It is that it seems to me it was drawn at a far calmer moment and drawn so articulately that it says it better than I can and what it says is important.

This other paragraph, I notice, bears upon what we were just talking about. The chairman has serious misgivings about increasing the power of the President. I am mindful of the point the Senator from Idaho raised and which he raises in greater detail in his speech:

> The enhancement of president power is, as I have said, a disagreeable and dangerous prospect. It is seen to be a compelling necessity, however, when set against the alternative of immobility which can only lead to consequences immeasurably more disagreeable and dangerous.

I think this approach to the problem of where we lodge responsibility is the real question with which we are trying to come to grips. We think the decisionmaking power could be exercised by this body. I shall make a speech in which I shall point out how I think the Senate can recover a strong role in foreign policy. I shall raise doubts about whether this is the way to succeed. I would be inclined to think one of the reasons the Senate lost some of its authority is that we have not asserted ourselves in the positive way available to us. I do not see how we aid the strengthening of the role of this body by hiding behind Senate Resolution 85. I think it does nothing to insure that the Senate is going to act in meaningful and relevant ways. So far as we are concerned in the Senate, our role in foreign policy is whatever we say it is, really. Whatever we are really to work at and do, that is it. I think these colloquies illustrate that we are intending to assert an interest, a responsibility, and, hopefully, some foresight in looking down the road ahead of us, rather than spending all our time in the past in terms of things which have gone before; although I understand they do give us guidelines, so that we can learn from past mistakes.

Mr. FULBRIGHT. All this, in a sense, is an assertion that we will play that part. That is what it really amounts to.

Mr. McGEE. If we are going to terminate our colloquy this evening, we can resume it tomorrow, I take it?

Mr. CHURCH. Yes. I look forward to it with great expectation.

Mr. FULBRIGHT. We will do so after hearing the leader of the minority and several others. I anticipate, after that, that there will be considerable opportunity to continue this debate.

Having been standing here a long time, I am quite willing to call it a day, if the Senator is.

Mr. McGEE. I am willing to do so. I want to express my appreciation to my chairman——

Mr. FULBRIGHT. We will resume tomorrow, then.

Mr. McGEE. I want to express my appreciation to the chairman for his patience for indulging this rather tortuous and detailed debate——

Mr. FULBRIGHT. No, it is not tortuous at all. That is what debate is for. The Senator is doing exactly what I favor; namely, discussion of the issues involved. I would feel disappointed if the Senator did not engage in it.

As the Senator knows, we delayed taking this up at the Senator's request, for nearly a month, in order that he could be here. I am very glad that we did that and the Senator is here now and is doing exactly what he should do as a good Senator.

Mr. McGEE. Let me hasten to add that I was here for a couple of months when we were able to act on it, but we did not do so.

Mr. FULBRIGHT. That is correct.

Mr. McGEE. I would hope that we could be here when we finally can debate this at length.

Mr. FULBRIGHT. The Senator did request that we take it up before, but it just happened to conflict with some of his engagements at home, which is quite natural.

Now, Mr. President, may I inquire of the Chair if there has already been a unanimous-consent agreement to adjourn and reconvene tomorrow?

The ACTING PRESIDENT pro tempore. The Senate has a standing order to convene tomorrow at 11 o'clock a.m.

Mr. FULBRIGHT. Well then, Mr. President, I yield the floor.

FOOTNOTES

[1] Louis Heren, *The New American Commonwealth* (New York: Harper & Row, Publishers, 1968), p. 208.

[2] "Aleksei Kosygin, Premier of the U.S.S.R.," *Life Magazine*, February 2, 1968, p. 32B.

[3] *Assignment of Ground Forces of the United States to Duty in the European Area*, Hearing by Committees on Foreign Relations and Armed Services, U.S. Senate, 82d Cong., 1st Sess., on S. Con. Res. 8 (Washington: U.S. Government Printing Office, 1951), pp. 92–93.

[4] *National Commitments*, Report of the Committee on Foreign Relations on S. Res. 85, United States Senate, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 7.

[5] *U.S. Commitments to Foreign Powers* Hearings Before the Committee on Foreign Relations, U.S. Senate, 90th Cong., 1st Sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), p. 72.

[6] *Ibid.*, p. 81.

[7] *Department of State Bulletin*, vol. 23, No. 578, July 31, 1950, pp. 173–177.

[8] Leonard C. Meeker, "The Legality of United States Participation in the Defense of Vietnam," *The Department of State Bulletin*, March 28, 1966, p. 484.

[9] *The Southeast Asia Collective Defense Treaty*, Hearing Before the Committee on Foreign Relations, U.S. Senate, 83d Cong.,

2d Sess., on Exec. K, 83d Cong., 2d Sess. (Washington: U.S. Government Printing Office, 1954), pp. 16–17.

[10] *Ibid.*, p. 25.

[11] *Ibid.*, p. 28.

[12] Quoted in Robert L. Beisner, *Twelve Against Empire: The Anti-Imperialists 1898–1900* (New York: McGraw-Hill Book Co., 1968), p. 48.

THE QUEST FOR PEACE

Mr. FANNIN. Mr. President—

Our foreign policy must be clear, consistent and confident. This means that it must be the product of genuine, continuous cooperation between the executive and the legislative branches of this Government. It must be developed and directed in the spirit of true bipartisanship.

With these words, Mr. President, our 34th President, Dwight D. Eisenhower, addressed our Nation upon his taking the oath of office in January of 1953.

The key word in this statement of foreign policy as it applies to us here in the Senate, Mr. President, is "cooperation"—the cooperation that has existed between the legislative and executive branches and the character of our traditional foreign policy that partisanship stops at the water's edge.

Today, Mr. President, we are being called to act upon a resolution. This sense-of-the-Senate resolution purports to clarify the term "national commitment" which it says has become obscured in recent years.

Mr. President, I desire to record my opposition to this resolution because I believe the exact opposite effect will result from its passage.

I have examined the report submitted by the Senator from Arkansas (Mr. FULBRIGHT), chairman of the Senate Foreign Relations Committee, and I find several items there which disturb me a great deal.

Before I get into that, however, I think it is important that we note the difference between what this resolution is supposed to do and what it appears to do.

I have already stated the prima facie objective of the resolution, but I wonder if that is the real objective. Why is the chairman of the Senate Foreign Relations Committee so concerned over this matter at this juncture? I am not quite able to fathom the differences in the current situation and that of say, 1964, when the Gulf of Tonkin resolution was brought before this body by the same distinguished Senator.

I am aware of the defense presented in the committee report accompanying this resolution; but I also find the defense to be somewhat deficient in important areas, as well as giving rise to some fairly basic questions. So, Mr. President, perhaps it is best that we turn our attention to this report.

COMMITTEE REPORT

In my consideration of the merits of this resolution, the first question which came to mind was: How does this resolution propose to deal with such a situation as was presented during July and August of 1964, commonly referred to as the Gulf of Tonkin incident?

Mr. President, I was not in the Senate at that time. My good friend and colleague from Arizona, BARRY GOLDWATER was busily engaged in pursuing the Presidency and I in attempting to attain his seat in the U.S. Senate. I think it probably pertinent to recognize that the actions we are talking about, relating to the Tonkin incident, must be considered against the background of an incumbent President who was planning his campaign for that fall, and the fact that we were not nearly so deeply committed in men and material in Vietnam as we are now.

As an aside, it must be noted that even while President Johnson was making a speech in Akron, Ohio, saying:

We are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

It was evident to many others, including my colleague from Arizona, that the war could not be won there—indeed even continued—without a substantial increase in our outpouring of resources. He had the courage to stick to this even though it was unpopular.

Mr. President, I do not make the charge that there were those who deliberately turned their eyes away from the facts on that occasion here in the Senate. There may have been a political blind spot here or there, but essentially I am sure everyone was trying to do what he thought to be right. My point is that while the evidence which was presented here—and I have gone through the RECORD to see for myself what the RECORD revealed—was presented sincerely, there were those, including the distinguished Senator from Arkansas, I believe who took a different position.

I bring this up here now, Mr. President, merely to point out that once the doctrine of fallibility has been accepted—the possibility that they may be wrong again must not be ruled out.

The items in the text that concern me, Mr. President, are those places where the committee report seems to take great pains over a relatively simple semantic difference. As an example: On page 23 of the committee report which deals with the Tonkin resolution, there are these words:

More important, however, than what was thought about the war power was the *paucity* of thought about it . . . Although the language of the resolution (Tonkin) lends itself to the interpretation that Congress was consenting in advance to a full-scale war in Asia should the President think it necessary, that was not the expectation of Congress at the time.

I do not understand this construction in the report, Mr. President, when I look at the preceding page—page 22—of the report.

In reading the debate, I came across this quotation in the CONGRESSIONAL RECORD, volume 110, part 14, page 18409. It seemed clear to me then. It seems clear to me now. I cannot understand why it is not clear to the others.

How can one say there was a "paucity" of thought about the war power question when possibly half of the debate on this subject on August 5 and 6 dealt with this very question? How can one say the intent of Congress was not clear when the distinguished Senator from Arkansas expressed that intent and expectation?

May I quote from the RECORD:

Mr. COOPER. We confirm the power that the President now has to defend our forces against an immediate attack.

Mr. FULBRIGHT. We are in effect approving of his use of the powers that he has. That is the way I feel about it.

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. . . .

It concerns me, Mr. President, that almost this same exchange is presented on page 22 of the committee report, and then page 23 says there was a "paucity" of congressional thought about the resolution, and the chairman of the Foreign Relations Committee, who is a most able scholar, fails to recognize his own interpretation of the "expectation" of Congress. I am sure the Senator can answer that everyone was "hoping"—in that sense of expectation—that a war would not ensue; but I hardly believe that it is accurate for the report to give the impression that the Tonkin resolution was passed without Congress, in effect, knowing what it was doing. I believe the distinguished Senator from Kentucky's (Mr. COOPER) questions on that point do not permit such a semantical evasion. Everyone "hoped" a war would not happen, but no one "knew" that it would not. The resolution was undertaken—as the RECORD shows—with the full understanding that the President had such power should he choose to use it. In fact, the Senator from Arkansas immediately makes the point:

If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section.

I am sure the distinguished Senator who served for many years on the bench knows far better than I, that the section of the RECORD I have quoted would be considered its legislative history. Such history is simply not subject to being reinterpreted at a later date when circumstances are neither corroborative nor convenient.

MILITARY CIRCUMSTANCE

Another argument advanced at the time of the Gulf of Tonkin resolution was this—again I quote the Senator from Arkansas (Mr. FULBRIGHT) from the CONGRESSIONAL RECORD, volume 110, part 14, page 18410:

Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important.

This, Mr. President, was offered as the rationale for allowing the President some latitude in selecting his permissible "constitutional" responses in the summer of 1964.

Now I have looked, and looked carefully, in the committee report to find evidence of the advances in technology

that caused the Senator to shift his position. Surely there has been some change in the general situation that makes the Senator feel that now it is no longer necessary to allow the incumbent President this latitude. Can the committee present evidence to show that the "things which move so rapidly" in 1964, move more slowly now? Is the Senator, in this report, suggesting it is no longer necessary to anticipate what may occur?

I recognize that later in the report there is some recognition given to the responsibility the President has as Commander in Chief to respond to a sudden attack upon the United States. However, I am sure proponents of this resolution are aware of the widespread interpretation of this resolution to "handcuff" the present administration, as it were, to the Senate Foreign Relations Committee.

The distinguished Senator from Wyoming (Mr. McGEE) makes this point well in his minority views when he says:

> Regardless of the intent of its sponsors, Senate Resolution 85 is already being interpreted from the outside as (a) an attack on the preceding Administration for its policies in Vietnam, (b) a warning to this and future Administrations in the same area, and (c) an apology for the unsuccessful efforts of the Senate in thwarting previous policy "mistakes".

My distinguished colleague from Wyoming says:

> The implications of Senate Resolution 85 are heavily laden with overtones of neoisolationism.

I just note this in passing that the committee report, ordered to be printed April 16, 1969, makes the first public use that has come to my attention of the term "neoisolationism" as used by the Senator from Wyoming (Mr. McGEE). I might presume to call to the attention of the distinguished chairman—who professed to be personally wounded by President Nixon's use of the term "new isolationists" in his May speech to the Air Force Academy—that a member of his own committee, and his own party, apparently used the term some considerable time in advance of the President.

PRESIDENTIAL AUTHORITY

Mr. President, I note that the committee report has this sentence on page 32:

> The President, as we have noted, has unchallenged authority to respond to a sudden attack upon the United States.

I might suggest, Mr. President, that the sweeping and all inclusive language of Senate Resolution 85 seems to be a challenge to that authority. I am wondering if the Senator would be amenable to amendments to his resolution which spell out the exclusions to which he refers in the committee report.

It seems to me, Mr. President, that if the intention of this resolution is really to solve the distinction between the powers of Congress to declare war and the powers of the President as Commander in Chief, we are not likely to do it in a seven-line resolution that well may—in the words of the Senator from Wyoming "introduce mischievous elements, inspire misinterpretations, and demean both the high office of the President of the United States and the responsible role of the U.S. Senate in foreign policy."

The Senator from Wyoming states it most succinctly when he says this resolution "appears to invade areas of responsibility reserved under the Constitution for the President alone."

SPEED VERSUS HASTE

Finally, the committee report makes a difference which it characterizes as "useful," between speed and haste in these matters of great import.

The report says of the resolutions regarding Formosa, the Middle East, Cuba, and the Gulf of Tonkin that not one was a matter of the greatest urgency, and note this particularly, Mr. President—although it did not in each case seem clear at that time."

Mr. President, that sentence should forever be inscribed upon some silver plaque in defense of hindsight.

If I interpret the logic here presented correctly, we shall easily be able to distinguish whether we should act in haste or with speed if we can simply discover—in advance, Mr. President—which items are "matters of genuine urgency, even though they do not appear so at the time."

This suggests to me, Mr. President, that we are being called upon to pass a resolution which has many similarities to the ordinance passed by a small town which found itself in the dilemma of not having enough parking spaces on main street. The problem was neatly solved by using the empty spaces reserved in front of the fireplugs, with the provision of course, that each of the spaces so used "must be vacated not less than one-half hour before the occurrence of any fire."

Perhaps the Senate might consider instead a restrictive resolution limiting the power of the President to act, "except when he really needs to."

COOPERATION

To return to my first and paramount point, Mr. President, I wonder whether the sudden concern for this resolution to properly divide the powers of Congress and the President in these most important areas arises out of a change in administration, a change in importance, a change in temperament—if you will; rather than from any basic need to redefine these areas, or from some entirely new development in either technology or diplomacy.

Mr. President, I suggest that the words of President Eisenhower, which I quoted to begin this statement be considered carefully; particularly when our former President laid stress upon the "cooperation" between the executive and legislative branches of Government.

If we are to have cooperation, we need to debate real issues upon which it is possible to reach an understanding. Let us forbear when it comes to creating artificial and superficial differences which can only hinder in the development of a foreign policy of true bipartisanship.

ORDER OF BUSINESS

Mr. BYRD of West Virgina. Mr. President, I suggest the absence of a quorum.

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

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 20, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1969:

NATIONAL BUREAU OF STANDARDS

Lewis M. Branscomb, of Colorado, to be Director of the National Bureau of Standards.

U.S. DISTRICT JUDGE

H. Emory Widener, Jr., of Virginia, to be U.S. district judge for the western district of Virginia, vice an additional position established by title 28, 372(b), November 6, 1967.

U.S. ATTORNEY

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years, vice Macon L. Weaver.

Evan LeRoy Hultman, of Iowa to be U.S. attorney for the northern district of Iowa, for the term of 4 years, vice Asher E. Schroeder.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years, vice Newell A. George, resigned.

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years, vice Edward L. Shaheen.

U.S. MARSHAL

Lynn A. Davis, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years, vice Alfred P. Henderson.

Melvin A. Hove, of Iowa, to be U.S. marshal for the northern district of Iowa for the term of 4 years, vice Covell H. Meek, retired.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, vice Beverly W. Perkins.

Executive nomination received by the Senate June 18:

DIPLOMATIC AND FOREIGN SERVICE

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of Class 2, 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 19, 1969:

NATIONAL AERONAUTICS AND SPACE COUNCIL

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

GOVERNOR OF GUAM

Carlos Garcia Camacho, of Guam, to be Governor of Guam.

GOVERNOR OF THE VIRGIN ISLANDS

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

DEPARTMENT OF THE TREASURY

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

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

VETERANS' ADMINISTRATION

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

RENEGOTIATION BOARD

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.

U.S. CIRCUIT JUDGE

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

U.S. DISTRICT JUDGE

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

U.S. COURT OF CUSTOMS AND PATENT APPEALS

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

DEPARTMENT OF JUSTICE

Anthony J. P. Farris, of Texas, to be U.S. attorney for the southern district of Texas for the term of 4 years.

Thomas F. Turley, Jr., of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years.

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years.

David J. Cannon, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years.

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington for the term of 4 years.

Seagal V. Wheatley, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years.

Otis L. Packwood, of Montana, to be U.S. attorney for the district of Montana for the term of 4 years.

Charles E. Robinson, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years.

Gaetano A. Russo, Jr., of Connecticut, to be U.S. marshal for the district of Connecticut for the term of 4 years.

Doroteo R. Baca, of New Mexico, to be U.S. marshal for the district of New Mexico for the term of 4 years.

Royal K. Buttars, of Utah, to be U.S. marshal for the district of Utah for the term of 4 years.

J. Pat Madrid, of Arizona, to be U.S. marshal for the district of Arizona for the term of 4 years.

John C. Meiszner, of Illinois, to be U.S. marshal for the northern district of Illinois for the term of 4 years.

George L. Tennyson, of South Dakota, to be U.S. marshal for the district of South Dakota for the term of 4 years.

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years.

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, June 19, 1969*

The House met at 12 o'clock noon.

Rev. Father Vincent F. Hart, National Chaplain, Catholic War Veterans of America, offered the following prayer:

O God our Father, with full realization that humility is the virtue of the realist, for humility is truth, and pride, the vice of the unrealist, the self-deceiver, we the people of these United States of America beseech You to lavish at all times the salutary grace of realistic truth upon this House of Representatives. Wisdom is the final fruit of humility and truth, for wisdom is the awareness of the realities of existence.

Wisdom is the inexhaustible treasure to men, and those who acquire it win God's friendship, commended as they are to Him by the benefits of her teaching.—Wisdom 7: 14. *For wisdom is quicker to move than any motion; she is so pure, she pervades and permeates all things.*—Wisdom 7: 24.

Through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S.J. Res. 90. Joint resolution 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.

COMMUNICATION FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER laid before the House the following communication from the Committee on Standards of Official Conduct; which was read and referred to the Committee on House Administration:

JUNE 18, 1969.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On September 27, 1968 you referred to this Committee a letter from the Clerk of the House of Representatives reporting on his investigation of recording irregularities in roll calls taken on September 9, 10, and 16, 1968. You stated, "It seems to me that the allegations set forth in the Clerk's (the Clerk of the House) letter are matters that may come within the jurisdiction of the Committee on Standards of Official Conduct." The Committee interpreted this referral as a request for it to move on its own initiative as provided in the Rules of the House. Accordingly on October 1, 1968, the Committee directed its staff to inquire into these irregularities.

The first phase of the inquiry sought to fix the responsibility for the specific irregularities referred to in the letter from the Clerk of the House. In pursuing this, the need became apparent for an examination of roll call mechanics in general. The Committee now has drawn certain conclusions with respect to the specific irregularities but feels that until the institution of improved recording procedures, which it previously has recommended, it should continue to observe the working of the present system.

With respect to the responsibility for the irregularities referred, the Committee was satisfied that the Clerk of the House accurately reported the information he received. But, after deeper scrutiny of all facets of the situation, the Committee became convinced that the tally clerk's explanation, that he had made the specific erroneous entries "at the request of" another employee was not accurate. The Committee verified that the errors did, in fact, occur, but the most probable explanation is that the tally clerk's response to the Clerk of the House was an instinctively defensive reaction stemming from the complete state of exhaustion which he was experiencing at the time.

In the Committee's belief, several factors contributed to this condition in the tally clerk. At a point when legislative activity in the House was unusually high and with his assistant physically incapacitated and off the job, the tally clerk assumed the full burden of both positions. In the Committee's opinion, this burden was beyond his physical capacity to perform with accuracy, and led to impairment of his efficiency, culminating in the errors referred to as well as several others which were disclosed at about that time.

The Committee therefore reaffirms its earlier interim finding that neither the Member nor employees named in the original referral, nor any names subsequently disclosed, were parties to any complicity in these errors.

It may be argued that the tally clerk should have sought assistance during this period. Undoubtedly he would have done so had he recognized the effect the increasing work load was producing in his performance.

Addressing the larger matter of the entire system of tallying, the Committee has made what it feels is the most detailed analysis of the subject ever undertaken and has arrived at numerous statistical conclusions. All of these support the conviction that an unacceptably small percentage of the random error inherent in the present system is subsequently corrected by the Members. While these errors have had absolutely no effect on legislative results, they should be eliminated to the greatest extent possible. Early indications are that there has been some improvement in the 91st Congress to date in the correction of errors but not enough to obviate the need for a modernized system of roll call recording.

In view of the foregoing, the Committee renews its earlier recommendation for installation of a modernized voting system at the earliest possible date.

Sincerely,

MELVIN PRICE,
Chairman.
LESLIE C. ARENDS,
Ranking Minority Member.