The Interchurch Center is a 19-story building adjacent to Riverside Church, where Forman first used his tactic of calculated disruption by presenting his reparations demand at a Sunday service May 4.

It was not known how many of Forman's supporters were in the Center.

Some confusion developed at the Center over who would determine how the occupation was to be handled.

The Center's board of trustees, headed by New York banker Edmund F. Wagner, met in emergency session, according to Mr. McMaster, to decide whether to seek a court injunction ousting the occupiers.

Mr. McMaster said such a move was strongly opposed by most of the religious agencies housed in the building. The building manager's office declined to say what decision the trustees reached, but a National Council spokesman said he believed they had decided not to ask for an injunction.

Since his campaign began, Forman has also presented his reparations demand to officials of the Roman Catholic Archdiocese of New York, the Episcopal Church, the Lutheran Church in America, the Christian Church (Disciples of Christ), American Baptist Convention, and the United Methodist Board of National Missions.

[From Christian Beacon, June 19, 1969]

SOME 2,000 STRIKE AT NCC CENTER

Two thousand employees of the Church Center, headquarters of the National Council of Churches in New York, and other church bodies, walked out in a one-day strike at the call of James Forman. Forman, who is demanding that all the church organizations in the Church Center contribute to his reparations, called the sympathy strike. He estimated that 80 percent of the workers in the building obeyed his call. Other church officials insisted that only 50 percent went out. Work, however, was disrupted for that day.

SENATE—*Tuesday, June 24, 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:

God of grace and glory, at this morning altar of devotion flood our souls with a sense of Thy presence. Dispel all doubts of Thee, and of Thy divine guidance of this Nation in the processes of history. Assure us once again "that they that wait upon the Lord shall renew their strength." Grant us clean hands and pure hearts for high and holy work in this place. Equip us with a faith that dares, a love that shares, and a service that cares, until by Thy grace this shadowed earth becomes Thy kingdom of justice and truth and brotherhood. Bring us to the end of the day unashamed, with quiet mind, and the assurance of work well done. Amen.

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.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 23, 1969, be dispensed with.

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

FISCAL 1970 FOOD STAMP AUTHORIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Joint Resolution 126, Calendar No. 254, be laid before the Senate and made the pending business.

The VICE PRESIDENT. The joint resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 126) to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

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

There being no objection, the Senate proceeded to consider the joint resolution.

S. 2470—INTRODUCTION OF A BILL TO EXTEND THE BENEFITS OF THE FOOD STAMP PROGRAM TO ELDERLY PERSONS

Mr. SCOTT. Mr. President, will the Senator from Montana permit me to introduce another food stamp measure?

Mr. MANSFIELD. Surely.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, legislation to extend the benefits of the food stamp program to elderly persons now denied eligibility because they lack kitchen facilities, or because they are physically unable to cook for themselves. Under my bill, nonprofit, charitable organizations would be authorized to accept food stamps in exchange for cooked meals prepared either for home delivery or for consumption in community dining halls.

I welcome as cosponsors in this effort Senators ALAN BIBLE, Democrat, of Nevada; EDWARD W. BROOKE, Republican, of Massachusetts; THOMAS J. DODD, Democrat, of Connecticut; HIRAM L. FONG, Republican, of Hawaii; PHILIP A. HART, Democrat, of Michigan; VANCE HARTKE, Democrat, of Indiana; MARK O. HATFIELD, Republican, of Oregon; ERNEST F. HOLLINGS, Democrat, of South Carolina; DANIEL K. INOUYE, Democrat, of Hawaii; EDWARD M. KENNEDY, Democrat, of Massachusetts; WARREN G. MAGNUSON, Democrat, of Washington; WINSTON L. PROUTY, Republican, of Vermont; WILLIAM B. SPONG, Democrat, of Virginia; TED STEVENS, Republican, of Alaska, and EDWARD J. GURNEY, Republican, of Florida.

In the House of Representatives this bill is being introduced by Congressman JOSEPH M. MCDADE, Republican, of Pennsylvania; Congressman EDWARD G. BIESTER, JR., Republican, of Pennsylvania; and others.

Congress, in approving the Food Stamp Act of 1964, intended to help older citizens with meager incomes to buy more and better food. Under the present law, however, persons who otherwise meet age, residency, and income requirements are still not eligible for food stamps if they do not have cooking facilities in their households. If a physical incapacity or chronic illness make it impossible for persons to shop or prepare food, and if they have no one to do these things for them, these persons, too, are in effect denied the use of the food stamps. I see no reason why these citizens, who are often among the most isolated and needy in the community, should be denied the benefits which the Food Stamp Act was enacted to provide.

My bill would amend the Food Stamp Act to meet this problem. It would authorize the Secretary of Agriculture, under regulations carefully prescribed and administered by him, to designate specific church and other nonprofit organizations of a bona fide charitable nature to accept food stamps in exchange for prepared meals. Although the redemption of these stamps would assist eligible groups in the purchase of food, the stamps themselves would be issued only to individuals, who would be the direct beneficiaries of this amendment. This, I believe, is fully in keeping with the congressional intent behind the Food Stamp Act. Moreover, by engaging the cooperation of nonprofit, charitable organizations, my proposal would be in keeping also with the current focus of relying more heavily on private initiative for solutions to pressing national problems, of which one, certainly, is hunger.

Today, in communities across America, more than 50 charitable organizations are taking one approach to the alleviation of hunger through programs which offer prepared meals to "shutins" and other elderly persons who are unable to cook for themselves and who, in the absence of this assistance, might otherwise face the dismal prospect of institutionalization. These programs, relying heavily on voluntary effort, are aimed at an element of the hunger problem which,

though less noticed, is nevertheless significant and fully worthy of attention.

It was through one such effort in my Commonwealth of Pennsylvania that I first learned of the need for the legislation which I am proposing today. The meals on wheels program, operated by the Lutheran Service Society of Western Pennsylvania, currently provides such service to Pittsburgh's Northside, a section in which an unusually large number of persons live in rooming houses. A well-balanced nutritious diet is offered through two meals a day served five times weekly. Despite the extensive use of volunteers, however, food and other costs have limited the number of elderly who can be reached by this program so far to only about 50. Estimates indicate that in this one area alone, several thousand needy persons might potentially be served. My bill is designed to encourage and make possible the expansion of just such efforts, not only for Pittsburgh, but for the many communities and cities throughout the Nation where a similar situation and need exists.

It is an irony in these times of unprecedented economic achievement that the basic goal of enough to eat still remains, for too many Americans, a promise rather than reality. As a nation, we are becoming increasingly aware of the need to strengthen our food assistance programs to assure access to a proper diet for persons living on poverty level incomes and below. This administration has announced its intention to make the food stamp program a more effective vehicle for this purpose. Yet, without the changes proposed in my bill, some of our most needy older citizens will remain disenfranchised from food stamp benefits.

Mr. President, the Senate Agriculture and Forestry Committee currently has under consideration the administration's proposed food stamp program revisions. I have urged that my bill be included in these sessions as additional legislation urgently needed in order to bring the Federal Government and many communities together in a further common effort to erase hunger and malnutrition among the elderly.

Because these communities speak best for themselves, I ask unanimous consent that the following excerpts from letters which I received in response to this proposal be printed in the RECORD following my remarks and the text of my bill.

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

The bill (S. 2470), to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 3 (e) of the Food Stamp Act of 1964 is amended to read as follows: "The term 'household' shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10 (h) of this Act."

SEC. 2. Section 3 (f) of the Food Stamp Act of 1964 is amended by adding at the end thereof a new sentence as follows: "Such term also means any private nonprofit organization referred to in section 10 (h) of this Act."

SEC. 3. Section 10 of the Food Stamp Act of 1964 is amended by adding at the end thereof a new subsection as follows:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary, food stamps issued under this Act to any elderly person may be exchanged by such person for meals prepared and served by any private nonprofit organization if—

"(A) such person does not have facilities for the preparation of food in his living quarters, or does not have reasonable access to such facilities, and the meals served by such organization are served in a common dining room and are prepared and served primarily for the benefit of elderly persons, or

"(B) such person is housebound, feeble, physically handicapped, or otherwise disabled to the extent that he is unable to prepare nutritious meals for himself, and such organization prepares and delivers meals to such person.

No elderly person who otherwise meets the eligibility requirements of this Act shall be denied a coupon allotment because he has no facilities for the preparation of food or access to such facilities. As used in this subsection, the term 'elderly person' means any person sixty-five years of age or older."

The material presented by Mr. SCOTT follows:

EXCERPTS FROM LETTERS TO SENATOR SCOTT

CALIFORNIA

Eleanor Guilford, Catholic Committee for the Aging of San Francisco: "Those of us who work in the field of aging are constantly aware of the need to reduce food costs and to arrange for inexpensive food programs for older people. . . . We would like to recommend that food stamps be available for older people to purchase in smaller amounts than $20. We would like to have the Food Stamp Act applicable to non-profit groups such as Senior Centers which serve meals to older people. Our Committee, for example, sponsors ten Parish Senior Centers."

CONNECTICUT

Joyce Ferris, Meals-on-Wheels, Inc. of Greenwich: ". . . we are serving from 18–29 people, mostly elderly. We charge what they can afford to pay and subsidize this by a fund drive annually."

DISTRICT OF COLUMBIA

George M. Pikser, Jewish Social Service Agency and Jewish Foster Home: "We have developed a new program for those aging Jews who are too sick or feeble to prepare hot food for themselves, but who otherwise do not need institutionalization. . . . For the most part the people are able to pay only a small amount of what our cost is and we accept whatever is offered. The program is very small. It is manned entirely by volunteers. . . . I feel that there may be a need for the kind of program you outline; that is, a program allowing nonprofit organizations to accept food stamps for prepared food."

William A. Wendt, Rector, St. Stephen and the Incarnation Church: "Indeed we feel a tremendous need for the type of legislation you are currently hoping to draft concerning the Food Stamp Act. We are at present feeding approximately 100 elderly people five times a week with a hot lunch type program, and for most of them it is the only nutritious meal that they eat in the course of a week."

ILLINOIS

John A. Murdock, Services to the Aging, General Board of Health & Welfare Ministries, The United Methodist Church, Evanston: ". . . based on our experiences, I would make the following suggestions:

"1. Provide means by which the poor older people can pay for balanced meals.

"2. Encourage the development of home delivered meals for the relatively few who need them and centrally served meals for the many others who need social contact as much as they need food . . ."

INDIANA

Lester J. Fox, REAL Services (Resources for Enriching Adult Living), South Bend: "The REAL Services program administers . . . the Meals-on-Wheels program that serves on the average of eighty (80) elderly persons a day who generally are homebound and unable to prepare or to have prepared adequate meals for themselves . . . Volunteers utilizing their own automobiles and equipment to maintain proper food temperatures pick up the meals at the hospital and deliver them to the clients' home . . . The meals are purchased from the hospital and delivered to the clients based on the actual cost. Older persons who are unable to pay the full cost are subsidized in part or in total by funds received from the United Fund in St. Joseph County . . . I believe the legislation you have proposed would be of great benefit in the area of adequate food services for older persons."

KENTUCKY

Opal Hughes, Boone Fork Community Kitchen, Fleming, Ken.: "We are feeding approximately 37 elderly people daily at no cost to them, 5 days a week. The elderly people that are receiving our free meals are selected on the basis of being house-confined, real real old and senile, lack of funds to provide proper diets. A number of these people may qualify for the food Stamp program, but are too old and sickly to stand in the line all day the first of the month for their food stamps." . . . "Many more people could be reached by our program if we had the funds or a food supply on a permanent basis."

MONTANA

Wilma Joe Slaughter, Daily Dinner Clubs, Rocky Mountain Development Council, Inc., 324 Fuller Avenue, P.O. Box 721, Helena: "We have 100 people attending both centers. 15 to 20 home-bounds. People of short means hesitate to come to dinner. I do feel there is a need for food stamps to be accepted in exchange for prepared food."

NEW JERSEY

Conrad J. Vuocolo, Housing Authority of the City of Jersey City, Box 8051, Five Corners Station: "We know there are thousands of individuals residing in this city alone who live in furnished rooms in such areas as the YWCA and YMCA, etc. In addition most of those who receive MEALS ON WHEELS are technically disqualified for food stamps because they are physically unable to prepare the food. Therefore we are recommending that agencies such as MEALS ON WHEELS and other non-profit organizations who are equipped to furnish low cost meals to those with limited income be considered eligible to accept food stamps in exchange for prepared food. We believe such a simple plan would eliminate the inadequate diets of many of those who are in need, and are now being denied because of the current legislative restrictions."

NEW YORK

Mary F. Champlin, Food and Nutrition Services, 613 Lafayette Building, Buffalo: "The Food Stamp Program may sound ideal; however, as you know, many in need do not avail themselves of the stamps. The amount

which has to be put out at one time and the low amounts allowed for liquid assets or cash value of life insurance in order to be eligible, work against those in great need. While the stipulation for regular and continuous purchase of stamps again may seem ideal from a nutritional standpoint, it is nevertheless difficult for those persons who have little money, have their ups and downs physically, or find it hard to cope with bad weather. We especially urge that food stamps be allowed to purchase prepared meals from non-profit meals services. That privilege would allow also more flexibility to the non-profit programs."

PENNSYLVANIA

Margaret R. Spencer, Luzerne County Bureau for the Aging, 3 East Market Street, Wilkes-Barre: "Your proposed amendment to the Food Stamp Act would be beneficial to many of our senior citizens who do not have cooking facilities or who are physically unable to prepare their own meals. The income of these people consists of Social Security benefits and/or Public Assistance and many are living below the poverty level. Any assistance they might receive by using food stamps certainly would afford an opportunity for them to enjoy a more nutritious diet."

Donald A. Nelson, Lutheran Service Society of Western Pennsylvania, 5940 Baum Boulevard, Pittsburgh: "One family of a 71-year-old mother and her 37-year-old retarded daughter are living on a total of $123 per month for both. The mother is no longer able to cook, and without the home delivered meals, the daughter would have to be institutionalized. Obviously, this cost would be considerably higher.

"A 75-year-old black gentleman was referred by the Social Service Department of Allegheny General Hospital as he did not have enough money for food each month. His income is $130 with $57 needed for rent, and he could not manage all additional expenses and eat properly.

"There are several such cases and the cycle is vicious since improper diet means more illness and less money for food."

UTAH

Mrs. V. Lucile Hutchings, Metropolitan Salt Lake Services for the Aging, 156 Westminster Avenue: "Our agency . . . for the Aging sponsors the program Meals on Wheels, which delivers a hot, nutritious noonday meal 5 days a week to Senior Citizens in the Salt Lake City area. Any Senior Citizen over 55 years of age who is physically handicapped, has a chronic illness or other condition which prevents them from shopping or preparing food for themselves, are eligible to come on the program. There is no discrimination because of race, creed, or color.

"We feel we are saving money for our local governmental agencies as the Senior Citzens Meals on Wheels recipients are able to retain their independence by remaining in their own homes, thus lessening the need for institutional care.

"Although we are charging a bare minimum fee, we still have many people who are not financially able to purchase the meal 5 days a week, and therefore purchase only 3 meals a week. We work very closely with the Welfare Department, and find about 35% of our Welfare Meals on Wheels recipients are receiving some additional funding to help them obtain the meals. Even after this help, many of them are not able to purchase a full month's meals.

"As of March 31, 1969 we were delivering over 137 meals a day, and serving an averaeg of 2,873 meals per month.

"In addition to Meals on Wheels, we have a Dining Room where any and all mobile Senior Citizens can come for hot lunch 5 days a week. . . . At the present time approximately 100 Senior Citizens attend."

WISCONSIN

Marjorie I. Jothen, The Visiting Nurse Association, 1540 North Jefferson Street: "Food Stamps help to increase the buying power for foods, but do not help people who have no means of buying or preparing the food."

PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the leadership, following the disposition of the food stamp joint resolution, to take up Senate Joint Resolution 11, Calendar No. 123, to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Smithsonian Institution.

That joint resolution will be followed by the nomination of Otto F. Otepka.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. I ask unanimous consent that following the disposal of those three items, there be a period for the transaction of routine morning business, with statements 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.

FISCAL 1970 FOOD STAMP AUTHORIZATION

The VICE PRESIDENT. The Senate will now resume the consideration of Calendar No. 254, Senate Joint Resolution 126, to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

Mr. DIRKSEN. Mr. President, is Senate Joint Resolution 126 now before the Senate?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. I merely wish to observe that there is no controversy about the joint resolution. There is a general disposition that appropriations for the food stamp program ought to be increased. Obviously, they cannot be increased without legislative authorization. The present authority extends only to $340 million. The joint resolution proposes that the amount be increased to $750 million. I think there is general agreement on that also, so I know of no opposition.

Mr. MANSFIELD. That is my understanding, but the distinguished chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER) is on his way to the Chamber to make a brief statement justifying the action of the committee. I understand that the distinguished Senator from South Dakota (Mr. McGOVERN) also wishes to make a brief statement.

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, it is so ordered.

Mr. ELLENDER. Mr. President, this is a very simple joint resolution. The committee is now working on a revision of the so-called food stamp program. I do not believe we can conclude our work on that program until early next month.

Present law provides for an authorization of $340 million for fiscal 1970. The joint resolution before the Senate would increase that amount from $340 million to $750 million. The committee is eager to have the joint resolution enacted, so that the appropriations may be increased to the amount necessary to operate the food stamp program.

Under the program that we hope to adopt early next month, the funds that will be appropriated in accordance with this joint resolution will be spent in accord with a revised food stamp program. In the joint resolution we are not attempting to change the present Food Stamp Act in any manner except to increase the amount of the authorization. I hope there will not be any objection. I can promise the Senate that the committee will report a food stamp bill soon. We hope that if the appropriation authorization is adopted, the Committee on Appropriations will provide sufficient funds to enable the food stamp program to operate at a higher level for fiscal year 1970.

The joint resolution was reported unanimously by the Committee on Agriculture and Forestry; however, the distinguished Senator from South Dakota (Mr. McGOVERN) has some reservations which he desires to state at this time.

Mr. McGOVERN. Mr. President, first of all I wish to commend the chairman of our committee, the Senator from Louisiana (Mr. ELLENDER) for his leadership and the prompt action he has taken to the food stamp legislation. I support the resolution that is pending, which was reported by our Committee on Agriculture. I support it not as the final answer, as the Senator from Louisiana said, but as a means of securing the funds that are needed not only to keep the program operating but expanding in fiscal year 1970; and also with the understanding, as the Senator pointed out, that our committee will move as expeditiously as possible to report changes that the committee feels are in order that will improve our overall food stamp program.

I also wish to commend the Senator from Louisiana for his very patient and consistent attendance not only in his own Committee on Agriculture, of which he has been chairman for so many years, but also in the new Select Committee on Nutrition and Human Needs. It is fair to say he attended more of those sessions than any other member of the committee and he followed the deliberations of the committee at every step.

Mr. President, over the past several months the Select Committee on Nutrition and Human Needs has heard repeated criticism of the food stamp program as presently administered. From the poor themselves we have learned that the cost of food stamps is far too high, that many needy families have never even heard of the program, that others have been denied the opportunity to participate, and that those who do participate are not given enough stamps to permit them to purchase a nutritious diet. But until recently we did not know how widespread these failings actually were.

I have, and shall insert in the RECORD in a moment, two documents which illustrate how few are actually served with food stamps. The first is a Department of Agriculture study showing for each State and county, and for the Nation, the percentage of poor actually participating in the food stamp and commodity distribution programs. The second, prepared by the staff of the select committee from figures supplied by USDA, shows the drop in participation in those counties switching from commodity distribution to food stamps. These documents offer conclusive proof that the food stamp program has failed, and failed dismally, in its attempt to reach the poor of this Nation. It has failed not just in the District of Columbia, California, and Florida where our select committee has visited, but in virtually every county in which it has been implemented.

This program, a program which many have called our first line of defense against hunger and which has been operating for nearly 5 years, presently reaches only 33 percent of our 3,091 counties. What is worse, even in the relatively few counties where it does operate, the food stamp program reaches a meager 16 percent of the families who are in need of assistance.

What these figures mean, Mr. President, is that a poor American family has only one chance in three of living in a county where stamps are distributed and even if it happens to have the good fortune to live in such a county, this family still has only one chance in six of actually receiving any stamps.

These figures alone are enough to explain why citizens groups in many communities have opposed the food stamp program on the grounds that it is a "cruel hoax upon the poor." They might well have added that, rather than helping the poor, the food stamp program is at this moment actually denying 1.1 million Americans food assistance which they would be receiving if no food stamp program had ever existed. These 1.1 million people were being helped by their Government through direct distribution of surplus foods. But they had the misfortune to live in counties which switched to the new and supposedly better food stamp program. Unfortunately, under the new program they soon found that they did not qualify for assistance, that they could not afford to hand over as much as 50 percent of their total income for an adequate supply of stamps, or that they could not find time to spend hours or even days waiting in line to be certified for their stamps.

I doubt very much, Mr. President, whether many Members of Congress are aware of how very poorly the food stamp program is performing in their own States. I did not know that in South Dakota that of the 14 food stamp counties out of the total of 67 only two reach more than 10 percent of the poor and that the other 12 reach an average of 5.6 percent.

Let me cite a few other examples:

In Illinois the average food stamp county reaches 3 percent of the poor; in Iowa, 4 percent; in Nebraska, 3 percent. Unfortunately the Midwest has the worst participation record.

Comparable figures for the Northeast States show, for example, that the average food stamp county in New York serves 13 percent of those in need; Pennsylvania, 12 percent; Ohio, 9 percent.

Only in the South is the national average of 16 percent generally exceeded. In Mississippi the average food stamp county serves 25 percent of the poor; in Louisiana, 18 percent; Kentucky, 21 percent.

Much of the low food stamp participation results when counties switch from a commodity to a food stamp program. Nationally, at present, there are 40 percent fewer people on food stamps than were on commodities in such counties. In Illinois, for example, there are 68,000 poor in the 62 Illinois counties which have switched from commodities to stamps who used to receive direct food donations but now get no help of any kind.

In Missouri there has been a 67-percent drop in food program participation in counties switching from commodities to food stamps 46,000 of the 68,000 persons who received commodities before the transfer of programs are not now receiving food stamps.

These figures are, very simply, a disgrace. They prove beyond the slightest doubt that drastic reform of the food stamp program is needed, and needed now. By demonstrating that there are only eight counties in the entire Nation where the food stamp program has attained the very modest goal of serving one-half the poor, these figures make a mockery of the contention that this program, as now operated, can even begin to eliminate malnutrition.

I ask unanimous consent that the tables to which I refer, along with a brief explanation prepared by staff of the Select Committee on Nutrition and Human Needs be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. McGOVERN. Mr. President, I realize that these charges are serious, but I do not make them lightly. I ask the Senate how a program whose administrators are forbidden by law to provide the assistance in any county where local officials arbitrarily decide that the poor do not need help, whose regulations cut off the poor of one State, while helping those in another State, and whose legislative authority often requires that the poor be charged more than they can possibly afford to pay, can ever hope to reach all of the poor? The answer, of course, is that no such program will ever reach even a significant portion of the poor.

Mr. President, we now have before us Senate Joint Resolution 126, a bill to raise the authorization for the food stamp program to $750 million for fiscal year 1970. While it is perfectly clear that major legislative reforms are required before the food stamp program can become an effective defense against malnutrition, it is equally clear that the appropriation of additional money for the existing program would permit important changes to be made in the program. Testifying before the select committee last January former Secretary Freeman made the startling admission that in the operation of the food stamp program:

> Honestly, strictly speaking we are not squaring with the Congressional directive, which is that people should pay only as much as they have been spending for food. We can't do that because we don't have enough money.

He might have added that without any additional authority the Secretary could use additional funds to put an end to the inequitable practice of providing the very poor with about half the stamps they need to eat properly while providing the marginally poor with more than enough stamps.

Senate Joint Resolution 126 has been reported by the Committee on Agriculture as an emergency measure to permit the immediate appropriation of additional funds for the food stamp program. I understand the desire of its sponsors to move now against malnutrition. Because I share this desire, and in order to facilitate administrative reforms which can be implemented immediately I will vote for the resolution. But I must reemphasize my belief that $750 million is woefully inadequate. It is inadequate because it would not provide either the money or the authority to expand the food stamp program into every country in this Nation. It is inadequate because it would not provide the money or the authority to help all of the poor in the counties that now have a food stamp program. It is inadequate because it would not provide the money or the authority to offer stamps to all of the poor at prices which they can afford. And it is totally inadequate because it could not even provide either the money or the authority to insure that equally poor families in New York and Mississippi would be equally entitled to receive the help that they need.

Let me repeat, Mr. President, as an emergency measure the $750 million authorization is acceptable though inadequate. But it is no substitute for immediate action to pass a comprehensive food stamp reform bill. If this resolution were intended in any way as a substitute for immediate comprehensive reform, I suspect that many Senators including myself would prefer to move for such reform now by amending Senate Joint Resolution 126 on the floor. But I have been

assured by the distinguished chairman of the Agriculture Committee (Mr. ELLENDER) that his committee, on which I serve, will continue to work as hard as it has been working this past week, and that we can expect to complete markup of a comprehensive food stamp reform package either just before or immediately after the July 4 holiday. It is the hope of both Senator ELLENDER and myself that the Senate will pass a comprehensive food stamp bill in mid-July. It is also my understanding, Mr. President, that the 1970 agriculture appropriations bill will not be considered in the Senate until the Senate has disposed of Senate Joint Resolution 126 and that the appropriation for the food stamp program will be increased in the Senate, subject to passage by the House of Senate Joint Resolution 126.

I hope the other body also understands that the $750 million which we authorize today is a temporary emergency measure and not an effective response to the disgraceful failures of the food stamp program. The present administration has said that it may not even be able to spend that $750 million effectively unless we pass new food stamp legislation immediately. None of us favors appropriating money that cannot be well spent, and I am certain that the House does not favor waiting longer than it takes to pass a good food stamp reform bill before moving to end the shocking hunger and malnutrition which have aroused the conscience of America as have few domestic issues in recent years.

For these reasons I urge the Congress as a whole to move as rapidly as possible, first to authorize the emergency appropriation before us today and then to write a food stamp program that can turn the money which we appropriate into food for all, not just a pathetic handful, of the poor.

Mr. President, I have often heard in this Chamber the argument that we must not send our brave soldiers charging up a hill with only enough ammunition to get halfway to the top. This usually comes just before a vote to appropriate $40 or $50 billion for the Pentagon. I suggest with respect to the $750 million authorized by Senate Joint Resolution 126 that we are asking the poor to begin the long climb out of the valley of hunger and despair with less than enough ammunition to get halfway and without a gun that can fire that ammunition. So long as I am sure that we will soon rescue the poor with a properly financed, reformed food stamp program, I will vote to send them on their way up the hill now. If I thought we were sending them off with false promises, only to leave them stranded halfway up, I would vote not to send them at all.

For our sake and theirs, to save dollars and to save lives, I urge the Senate to vote today for Senate Joint Resolution 126 and next month for comprehensive reform of the food stamp program.

EXHIBIT 1

SUMMARY OF USDA ANALYSIS OF FOOD ASSISTANCE PROGRAMS

Recently the Consumer and Marketing Service of the Department of Agriculture completed a study which gave the percentage of poor persons participating in food assistance programs in each County and City administrative unit for which data was available.

Using this data, the staff of the Senate Select Committee on Nutrition and Human Needs developed the following State by State summary of participation in the Food Stamp and Commodity Distribution Programs. It should be noted that the Counties in the United States with no Food Stamp or Commodity Distribution program as of February, 1969 are not included in either the USDA data or the tables below.

Nationally, the average county reached only 10% of its poor people with its Food Stamp Program, and 18% of its poor people with its Commodity Distribution Program. Nationally, only .6% of the counties with Food Stamp Programs reach over 50% of their poor people and only 5% with Commodity Distribution Programs reach over 50% of their poor people. Again nationally the average participation rate for all poor persons living in Food Stamp counties is 16%. In Commodity counties this figure is 22%.

TABLE I.—THE PERCENTAGE OF POOR PEOPLE SERVED BY COMMODITY DISTRIBUTION PROGRAMS, BY STATE AND COUNTY

State	Number of programs [1]	Percent participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
U.S. total	1,198	18	1–92	670	468	60
Alabama	46	28	16–92	6	35	5
Alaska	([5])					
Arizona	14	24	5–63	6	6	2
Arkansas	15	13	4–42	13	2	0
California	26	23	2–48	13	13	0
Colorado	([6])					
Connecticut	4	11	3–28	3	1	0
Delaware	3	35	28–51	0	2	1
District of Columbia	([6])					
Florida	51	27	8–74	18	31	2
Georgia	72	30	11–78	23	44	5
Hawaii	([6])					
Idaho	12	21	10–71	6	5	1
Illinois	12	8	3–22	11	1	0
Indiana	68	7	1–21	67	1	0
Iowa	15	10	5–34	13	2	0
Kansas	14	7	1–39	12	2	0
Kentucky	66	14	4–40	55	11	0
Louisiana	16	46	28–61	0	10	6
Maine	15	14	2–35	11	4	0
Maryland	1	([7])	([7])	1	0	0
Massachusetts	9	21	7–34	4	5	0
Michigan	46	22	5–52	19	26	1
Minnesota	20	11	4–57	17	3	0
Mississippi	37	43	18–89	2	21	14
Missouri	63	18	1–70	34	25	3
Montana	3	30	17–65	1	1	1
Nebraska	2	31	13–48	1	1	0
Nevada	12	21	9–51	6	5	1
New Hampshire	10	13	5–23	9	1	0
New Jersey	1	([7])	([7])	0	1	0
New Mexico	10	38	17–56	1	8	1
New York	45	27	11–50	11	34	0
North Carolina	61	16	5–46	42	19	0
North Dakota	8	16	4–24	6	2	0
Ohio	18	11	4–43	15	3	0
Oklahoma	72	28	9–71	22	46	4
Oregon	35	34	4–57	6	26	3
Pennsylvania	16	10	4–23	15	1	0
Rhode Island	2	11	10–12	2	0	0
South Carolina	([6])					
South Dakota	33	9	3–23	31	2	0
Tennessee	15	13	5–51	12	2	1
Texas	138	18	2–67	97	34	6
Utah	([5])					
Vermont	([6])					
Virginia	40	18	4–33	33	7	0
Washington	([5])					
West Virginia	([6])					
Wisconsin	33	13	5–85	26	6	1
Wyoming	([5])					

[1] The number of counties includes all counties and cities for which the participation percentage was computed by USDA.
[2] Participation rate in the median county in each State.
[3] The range gives the percentage of poor people served by the counties reaching the lowest and highest percentages in the State.
[4] Some city programs are not included in USDA's data or in this summary due to lack of information on number of poor persons living in such cities.
[5] No program.
[6] No commodity program.
[7] The median and range are not given where only data were available on a single county in the State.

TABLE II.—PERCENTAGE OF POOR PEOPLE SERVED BY FOOD STAMP PROGRAMS, BY STATE AND COUNTY

State	Number of programs [1]	Participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
U.S. total	1,263	10	1–70	929	226	8
Alabama	19	16	5–42	14	5	0
Alaska	1	([5])	([5])	0	1	0
Arizona	([6])					
Arkansas	51	8	3–38	42	9	0
California	12	28	6–60	5	5	2
Colorado	52	11	3–48	45	7	0
Connecticut	3	26	23–38	0	3	0

See footnotes at end of table.

TABLE II.—PERCENTAGE OF POOR PEOPLE SERVED BY FOOD STAMP PROGRAMS, BY STATE AND COUNTY—Continued

State	Number of programs [1]	Participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
Delaware	([6])					
District of Columbia	1	([5])	([5])	0	1	0
Florida	([6])					
Georgia	78	12	3–56	69	8	1
Hawaii	3	14	14–17	3	0	0
Idaho	([6])					
Illinois	83	3	1–27	82	1	0
Indiana	21	10	3–26	20	1	0
Iowa	83	4	1–28	82	1	0
Kansas	8	5	2–8	8	0	0
Kentucky	52	21	3–59	26	24	2
Louisiana	38	18	6–41	24	14	0
Maine	1	([5])	([5])	1	0	0
Maryland	19	7	1–31	18	1	0
Massachusetts	([6])					
Michigan	36	13	4–47	32	4	0
Minnesota	48	10	3–36	38	10	0
Mississippi	44	25	9–50	16	28	0
Missouri	1	([5])	([5])	1		
Montana	7	18	8–38	4	3	0
Nebraska	48	3	1–23	47	1	0
Nevada	([6])					
New Hampshire	([6])					
New Jersey	13	18	6–27	9	4	0
New Mexico	21	20	4–60	11	9	1
New York	6	13	5–24	5	1	0
North Carolina	33	9	3–32	27	6	0
North Dakota	36	8	3–25	34	2	0
Ohio	56	9	2–36	49	7	0
Oklahoma	([6])					
Oregon	1	([5])	([5])	1	0	0
Pennsylvania	49	12	2–27	43	6	0
Rhode Island	1	([5])	([5])	0	1	0
South Carolina	46	15	3–40	36	10	0
South Dakota	16	6	2–32	14	2	0
Tennessee	79	11	3–41	66	13	0
Texas	10	13	6–36	9	1	0
Utah	28	6	1–26	27	1	0
Vermont	1	([5])	([5])	0	1	0
Virginia	26	5	1–23	25	1	0
Washington	39	23	3–68	15	23	1
West Virginia	55	16	6–52	36	18	1
Wisconsin	33	7	3–25	31	2	0
Wyoming	23	9	3–34	22	1	0

[1] The number of counties includes all counties and cities for which the participation percentage was computed by USDA.
[2] Participation rate in the median county in each State.
[3] The range gives the percentage of poor people served by the counties reaching the lowest and highest percentages in the State.
[4] Some city programs are not included in USDA's data or in this summary due to lack of information on number of poor persons living in such cities.
[5] The median and range are not given where only data were available on a single county in the State.
[6] No program.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ALABAMA		
Autauga	46	
Baldwin	43	
Barbour		10
Bibb	27	
Blount	18	
Bullock		41
Butler	35	
Calhoun	18	
Chambers	33	
Cherokee	25	
Chilton	28	
Choctaw		15
Clarke		5
Clay	30	
Cleburne	30	
Coffee	25	
Colbert	22	
Conecuh	48	
Coosa	27	
Covington	27	
Crenshaw	36	
Cullman	28	
Dale	28	
Dallas		24
De Kalb	16	
Elmore	33	
Escambia	41	
Etowah	24	
Fayette	27	
Franklin	16	
Geneva	22	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ALABAMA—Continued		
Greene		42
Hale		24
Henry	47	
Houston		9
Jackson	23	
Jefferson		8
Lamar		9
Lauderdale	23	
Lawrence	35	
Lee	36	
Limestone	26	
Lowndes	92	
Macon	74	
Madison	25	
Marengo	63	
Marion	16	
Marshall	27	
Mobile		19
Monroe	55	
Montgomery		10
Perry		28
Pickens		16
Pike		10
Randolph	28	
Russell		14
St. Clair	18	
Shelby	24	
Sumter		19
Talladega	38	
Tallapoosa	27	
Walker		19
Washington		16
Wilcox	68	
Winston	23	
ALASKA		
Total		30
ARIZONA		
Apache	5	
Cochise	18	
Coconino	9	
Gila	26	
Graham	63	
Greenlee	18	
Maricopa	30	
Mohave	18	
Navajo	40	
Pima	31	
Pinal	58	
Santa Cruz	32	
Yavapai	10	
Yuma	21	
ARKANSAS		
Arkansas		6
Ashley		18
Baxter	9	
Benton	8	
Boone		3
Bradley		6
Calhoun		5
Carroll	4	
Chicot		28
Clark	11	
Clay	21	
Cleburne	11	
Cleveland	13	
Columbia		4
Conway		9
Craighead		9
Crawford		7
Crittenden		36
Cross		18
Dallas		6
Desha		15
Drew		14
Faulkner		4
Franklin	13	
Fulton	22	
Garland		5
Grant		8
Greene		8
Hempstead		4
Hot Spring	10	
Howard	8	
Independence		8
Izard		9
Jackson		16
Jefferson		14
Johnson		8
Lafayette		14
Lawrence		10
Lee		34
Lincoln		24
Little River		6
Logan		7
Lonoke		8
Madison	14	
Marion		6
Miller		3
Mississippi		23
Monroe		36
Montgomery	17	
Nevada	16	
Newton	42	
Ouachita		5
Perry		14
Phillips		37
Pike	12	
Poinsett		23
Polk		6
Pope		6
Prairie		9
Pulaski		8
Randolph		7
St. Francis		38
Saline		6
Scott	8	
Searcy	27	
Sebastian		4
Sevier		4
Sharp		9
Stone		14
Union		6
Van Buren	23	
Washington		4

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ARKANSAS—Continued		
White	17	
Woodruff	34	
Yell		6
CALIFORNIA		
Alameda		30
Amador	6	
Colusa	19	
Contra Costa		61
El Dorado	41	
Fresno	35	
Humboldt		25
Inyo	12	
Kern	43	
Kings	11	
Lake	25	
Lassen		30
Los Angeles		20
Madera	48	
Mendocino	3	
Merced	2	
Modoc		6
Monterey		40
Napa	25	
Plumas	20	
Sacramento	42	
San Francisco		17
San Joaquin	38	
San Luis Obispo	20	
San Mateo		13
Santa Barbara	35	
Santa Clara		32
Santa Cruz	20	
Shasta		57
Sonoma		20
Stanislaus	30	
Sutter	5	
Tehama	14	
Tulare	10	
Tuolumne	36	
Ventura	28	
Yolo	32	
Yuba	3	
COLORADO		
Adams		33
Alamosa		14
Arapahoe		15
Archuleta		14
Baca		4
Bent		18
Boulder		8
Chaffee		6
Cheyenne		6
Clear Creek		8
Conejos		40
Costilla		48
Crowley		13
Custer		4
Delta		7
Denver		28
Dolores		14
Eagle		11
Elbert		3
El Paso		12
Fremont		8
Garfield		5
Gilpin		(1)
Grand		4
Gunnison		12
Huerfano		17
Jefferson		8
Kiowa		6
Kit Carson		10
Lake		20
LaPlata		14
Larimer		29
Las Animas		16
Lincoln		7
Logan		8
Mesa		11
Mineral		(1)
Moffat		14
Montezuma		12
Montrose		10
Morgan		15
Otero		21
Phillips		4
Prowers		14
Pueblo		31
Rio Blanco		8
Rio Grande		19
Routt		8
Saguache		10
Sedgwick		3
Teller		9

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
COLORADO—Continued		
Washington		4
Weld		9
Yuma		3
CONNECTICUT		
Hartford: Hartford (Dist.)		26
Litchfield	3	
New Haven:		
New Haven (Dist.)		23
Waterbury (Dist.)		38
New London	16	
Tolland	5	
Windham	28	
DELAWARE		
Kent	35	
New Castle	51	
Sussex	28	
District of Columbia: Washington		23
FLORIDA		
Alachua	23	
Baker	37	
Bay	12	
Bradford	33	
Broward	10	
Collier	0	
Calhoun	41	
Columbia	35	
Dade	11	
De Soto	20	
Dixie	30	
Duval	18	
Escambia	26	
Franklin	24	
Gadsden	74	
Gilchrist	25	
Glades	29	
Gulf	37	
Hamilton	37	
Hardee	15	
Hernando	24	
Highlands	13	
Hillsborough	13	
Holmes	28	
Jackson	28	
Jefferson	51	
Lafayette	26	
Lake	10	
Lee	9	
Leon	22	
Levy	26	
Liberty	38	
Madison	39	
Monroe	8	
Okaloosa	18	
Okeechobee	18	
Palm Beach	16	
Pasco	14	
Pinellas	8	
Polk	48	
St. Lucie	23	
Santa Rosa	31	
Sumter	33	
Suwannee	29	
Taylor	28	
Union	27	
Volusia	9	
Wakulla	41	
Walton	30	
Washington	35	
GEORGIA		
Appling	24	
Atkinson	47	
Bacon	25	
Baker	50	
Baldwin		14
Banks	18	
Barrow	17	
Bartow	14	
Ben Hill		12
Berrien		4
Bibb		13
Bleckley		13
Brantley	32	
Brooks	43	
Bryan	38	
Bulloch	25	
Burke		22
Butts	35	
Calhoun		8
Camden	47	
Candler	33	
Carroll		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
GEORGIA—Continued		
Catoosa		11
Charlton		35
Chatham		10
Chattahoochee	68	
Chattooga	22	
Cherokee	11	
Clarke	12	
Clayton	13	
Clinch		14
Cobb	12	
Coffee	24	
Colquitt		12
Columbia	25	
Cook	20	
Coweta		7
Crawford	41	
Crisp		9
Dade	14	
Dawson		6
Decatur		13
De Kalb	19	
Dodge		18
Dooly	41	
Dougherty		14
Douglas	13	
Early	49	
Echols		37
Effingham	48	
Elbert		9
Emanuel	29	
Evans	32	
Fannin	15	
Fayette		6
Floyd	20	
Forsyth		3
Franklin	12	
Fulton	23	
Gilmer		5
Glascock	32	
Glynn	16	
Gordon		5
Grady		12
Greene		6
Gwinnett	15	
Habersham		5
Hall		6
Hancock		27
Haralson	19	
Harris	35	
Hart		8
Heard		13
Henry	19	
Houston		14
Irwin	35	
Jackson	16	
Jasper		14
Jeff Davis	21	
Jefferson	37	
Jenkins		12
Johnson		18
Jones		11
Lamar		6
Lanier		12
Laurens		12
Lee		34
Liberty	36	
Lincoln		10
Long	48	
Lowndes		11
Lumpkin		11
McDuffie		4
McIntosh	34	
Macon	61	
Madison		4
Marion	38	
Meriwether		14
Miller	29	
Mitchell		22
Monroe	24	
Montgomery	34	
Morgan		12
Murray	11	
Muscogee	18	
Newton	22	
Oconee		8
Oglethorpe		6
Paulding	26	
Peach		7
Pickens		5
Pierce		11
Pike		17
Polk		5
Pulaski		17
Putnam		14
Quitman	78	
Rabun		21
Randolph	36	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
GEORGIA—Continued		
Richmond		6
Rockdale	26	
Schley	35	
Screven	41	
Seminole		15
Spalding		9
Stephens		6
Stewart	39	
Sumter	37	
Talbot	33	
Taliaferro		56
Tattnall	30	
Taylor	38	
Telfair	27	
Terrell	58	
Thomas		16
Tift		12
Toombs		7
Towns		12
Treutlen		12
Turner	28	
Twiggs		21
Union	21	
Upson		7
Walker	23	
Walton		7
Ware	32	
Warren		18
Washington		15
Wayne	33	
Webster	40	
Wheeler		10
White		4
Whitfield	16	
Wilcox	38	
Wilkes		7
Wilkinson	47	
Worth	34	
HAWAII		
Hawaii		14
Honolulu		17
Kauai		(1)
Maui		14
IDAHO		
Benewah	16	
Bonner	21	
Boundary	17	
Clearwater	71	
Fremont	12	
Idaho	19	
Kootenai	26	
Latah	10	
Lewis	24	
Nez Perce	47	
Shoshone	32	
Teton	14	
ILLINOIS		
Adams		6
Alexander		12
Bond		3
Brown		2
Bureau		1
Calhoun		6
Carroll	3	
Cass		3
Champaign		4
Christian		2
Clark		1
Clay		5
Clinton		2
Colee		3
Cook		18
Crawford		3
Cumberland		3
De Witt		1
Douglas		5
Edgar		4
Edwards		1
Effingham		5
Fayette		5
Ford		2
Franklin		11
Fulton		3
Gallatin		6
Greene		4
Grundy		1
Hamilton		2
Hancock		2
Hardin		10
Henderson	14	
Henry	5	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ILLINOIS—Continued		
Iroquois		1
Jackson		9
Jasper		2
Jefferson		9
Jersey		2
Jo Daviess	3	
Johnson		6
Kane		2
Kankakee		7
Knox		4
La Salle		2
Lawrence		12
Lee	9	
Livingston		2
Logan		1
McDonough		1
McHenry	4	
McLean		1
Macon		9
Macoupin		3
Madison		13
Marion		8
Marshall		3
Mason		4
Massac		8
Menard		2
Mercer	10	
Monroe		4
Montgomery		2
Morgan		3
Moultrie		3
Ogle	5	
Peoria		12
Perry		3
Piatt		1
Pike		5
Pope		9
Pulaski		20
Putnam		1
Randolph		4
Richland		2
Rock Island	17	
St. Clair		27
Saline		9
Sangamon		5
Schuyler		3
Scott		3
Shelby		1
Tazewell		4
Union		6
Vermilion		3
Wabash		3
Warren	7	
Washington		1
Wayne		17
White		3
Whiteside	10	
Will		1
Williamson		5
Winnebago	22	
INDIANA		
Adams	4	
Allen	18	
Bartholomew		12
Benton	1	
Blackford	9	
Boone	2	
Brown	17	
Carroll	6	
Cass	6	
Clark	13	
Clay	10	
Clinton	2	
Crawford	12	
Daviess		4
Dearborn		10
Decatur	7	
De Kalb	4	
Delaware	11	
Bubois	3	
Elkhart	5	
Fayette	9	
Floyd		11
Fountain	7	
Franklin	10	
Fulton	2	
Gibson		6
Grant	10	
Greene	12	
Hamilton	3	
Hancock	5	
Harrison		5
Hendricks	3	
Henry	6	
Howard		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
INDIANA—Continued		
Huntington	1	
Jackson	13	
Jasper	3	
Jay	4	
Jefferson	8	
Jennings	12	
Johnson	9	
Knox		6
Kosciusko	3	
Lagrange	2	
Lake		26
La Porte	11	
Lawrence	11	
Madison		7
Marion		9
Marshall		4
Martin	17	
Miami	6	
Monroe	12	
Montgomery	3	
Morgan	10	
Noble	6	
Ohio	8	
Orange	13	
Owen	10	
Parks	13	
Perry		18
Pike		10
Porter	5	
Posey		9
Pulaski	3	
Putnam		3
Randolph	7	
Ripley	6	
Rush	3	
St. Joseph	10	
Scott	19	
Shelby	4	
Spencer		11
Starke	15	
Sullivan	13	
Switzerland		6
Tippecanoe	7	
Tipton		5
Union	4	
Vanderburgh		11
Vermillion	14	
Vigo	21	
Wabash	1	
Warren	2	
Warrick		9
Washington	8	
Wayne	13	
Wells	1	
Whitley	2	
IOWA		
Adair		2
Adams		1
Allamakee	8	
Appanoose		9
Audubon		3
Benton		2
Black Hawk	34	
Boone	16	
Buchanan	9	
Buena Vista		2
Butler		2
Bremer		3
Calhoun		3
Carroll		6
Cass		5
Cedar	6	
Cerro Gordo		7
Cherokee		3
Chickasaw	10	
Clarke		2
Clay		5
Clayton		5
Clinton		7
Crawford	7	
Dallas		5
Davis		6
Decatur		6
Delaware		5
Des Moines		4
Dickinson		3
Dubuque		15
Emmet		3
Floyd		4
Franklin		2
Fremont		4
Greene		3
Grundy		2
Guthrie		2

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
IOWA—Continued		
Hamilton		5
Hancock		2
Hardin		3
Harrison		4
Henry		2
Howard		3
Humboldt		6
Ida		2
Iowa	5	
Jackson		6
Jasper		5
Jefferson		5
Johnson		5
Jones		4
Keokuk	9	
Kossuth		6
Lee		6
Linn		9
Louisa	17	
Lucas		11
Lyon		2
Madison		3
Mahaska	15	
Marion		8
Marshall		4
Mitchell		2
Monona		5
Mills		5
Monroe	16	
Montgomery		2
Muscatine	18	
O'Brien		2
Osceola		2
Page		4
Palo Alto		10
Plymouth		2
Pocahontas		4
Polk		28
Pottawattamie		10
Poweshiek		2
Pinggold		4
Sac		3
Scott		20
Shelby		1
Sioux		3
Story		7
Tama		3
Taylor		3
Union		5
Van Buren		3
Vapello		14
Warren		5
Washington		2
Wayne		4
Webster	25	
Winnebago		3
Winneshiek	9	
Woodbury		18
Worth		3
Wright		4
KANSAS		
Atchison		7
Bourbon		2
Cherokee		8
Clark	5	
Crawford		5
Elk	4	
Ford	7	
Grant	18	
Greenwood		5
Hamilton	11	
Harper	4	
Hodgeman	3	
Kearny	9	
Kingman	1	
Labette		4
Leavenworth		4
Meade	3	
Sedgwick	25	
Shawnee	16	
Sherman	15	
Wilson		3
Wyandotte	39	
KENTUCKY		
Adair		8
Allen		4
Anderson	4	
Ballard	8	
Barren	13	
Bath		19
Bell		34
Boone	6	
Boyd	27	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
KENTUCKY—Continued		
Boyle	13	
Bracken	13	
Breathitt		48
Breckinridge	18	
Bullitt	12	
Butler		10
Caldwell	17	
Calloway	8	
Campbell		12
Carlisle	16	
Carroll	12	
Carter		17
Casey		13
Christian	14	
Clark		9
Clay		43
Clinton		23
Crittenden	12	
Cumberland		18
Daviess	20	
Edmonson	25	
Elliott		30
Estill		26
Fayette	9	
Fleming	16	
Floyd		24
Franklin	19	
Fulton	40	
Gallatin	18	
Garrard	11	
Grant		6
Graves	9	
Grayson	13	
Greene	13	
Greenup	20	
Hancock	17	
Hardin	11	
Harlan		36
Hart	15	
Henderson	11	
Henry	10	
Hickman		10
Hopkins	7	
Jackson		28
Jefferson		6
Jessamine	13	
Johnson		28
Kenton		13
Knott		50
Knox		36
Larue	11	
Laurel		22
Lawrence	27	
Lee		37
Leslie		59
Letcher		30
Lewis	26	
Lincoln		14
Livingston	17	
Logan		7
Lyon	19	
McCracken	20	
McCreary		40
McLean	21	
Madison	12	
Magoffin		47
Marion	24	
Marshall	6	
Martin		53
Mason	12	
Meade	6	
Menifee		19
Mercer	15	
Metcalfe	10	
Monroe	17	
Montgomery		14
Morgan		28
Muhlenberg		7
Nelson	22	
Nicholas	22	
Ohio	21	
Oldham	15	
Owen	15	
Owsley		42
Pendleton	14	
Perry		38
Pike		14
Powell		31
Pulaski		12
Robertson	12	
Rockcastle		29
Rowan		16
Russell		13
Scott	11	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
KENTUCKY—Continued		
Shelby		3
Simpson		5
Spencer	10	
Taylor	10	
Tood		5
Trigg	21	
Trimble	10	
Union	13	
Warren	9	
Washington	16	
Wayne		20
Webster	18	
Whitley		23
Wolfe		33
Woodford	18	
LOUISIANA		
Acadia		18
Allen		16
Ascension	46	
Assumption		25
Avoyelles		31
Beauregard		8
Bienville	44	
Caddo		6
Calcasieu		19
Caldwell		15
Cameron		6
Catahoula	48	
Claiborne	45	
Concordia		20
De Soto		8
East Baton Rouge		9
East Carroll		26
East Feliciana	61	
Evangeline		41
Franklin		29
Grant	45	
Iberia		8
Iberville		25
Jefferson Davis		11
Lafayette		18
La Salle	28	
Livingston	71	
Madison		22
Morehouse		22
Natchitoches		18
Orleans		6
Pointe Coupee		26
Rapides		12
Red River		26
Richland		25
Sabine	45	
St. Bernard	53	
St. Charles	36	
St. Helena		14
St. James		13
St. John the Baptist		18
St. Landry		29
St. Martin		25
St. Mary	37	
Tangipahoa	53	
Tensas		18
Union		13
Vermilion		7
Vernon		13
Washington	45	
West Baton Rouge	61	
West Carroll		21
West Feliciana	68	
Winn		10
MAINE		
Androscoggin		19
Aroostook	35	
Cumberland	18	
Franklin	4	
Hancock	14	
Kennebec	18	
Knox	27	
Lincoln	7	
Oxford	10	
Penobscot	14	
Piscataquis	21	
Sagadahoc	24	
Somerset	2	
Waldo	7	
Washington	10	
York	11	
MARYLAND		
Allegany		8
Anne Arundel		12

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MARYLAND—Continued		
Baltimore		5
Caroline		8
Carroll		4
Charles		31
Dorchester		3
Frederick		3
Garrett		9
Harford	10	
Kent		4
Montgomery		9
Prince Georges		15
Queen Annes		4
St. Mary's		10
Somerset		3
Talbot		3
Wicomico		7
Worcester		1
Independent city		
Baltimore City		19
MASSACHUSETTS		
Bristol: New Bedford (city)	21	
Essex: Lynnfield (city)	(1)	
Franklin:		
Bernardston (city)	(1)	
Buckland (city)	(1)	
Deerfield (city)	(1)	
Springfield (city)	20	
W. Springfield (city)	(1)	
Hampshire:		
Amherst (city)	(1)	
Easthampton (city)	(1)	
Goshen (city)	(1)	
Northampton (city)	30	
Williamsburg (city)	(1)	
Middlesex:		
Cambridge (city)	15	
Lowell (city)	28	
Malden (city)	14	
Norfolk: Quincy (city)	7	
Plymouth:		
Brocton (city)	34	
Whitman (city)	(1)	
Suffolk: Boston (city)	28	
Worcester:		
Gardner (city)	(1)	
Winchendon (city)	(1)	
MICHIGAN		
Alcona	24	
Alger		19
Allegan		12
Alpena	25	
Antrim	24	
Arenac	21	
Baraga	39	
Barry		10
Bay	29	
Benzie	29	
Berrien		14
Branch	15	
Calhoun	37	
Cass	17	
Charlevoix	16	
Cheboygan	26	
Chippewa	30	
Clare		15
Clinton		7
Crawford		19
Delta	27	
Dickinson	29	
Eaton		6
Emmet	15	
Genesee		19
Gladwin	20	
Gogebic		13
Grand Traverse		16
Gratiot		10
Hillsdale		6
Houghton		24
Huron		4
Ingham		16
Ionia	12	
Iosco	21	
Iron		13
Isabella		11
Jackson		15
Kalamazoo		9
Kalkasha	52	
Kent	29	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MICHIGAN—Continued		
Keweenaw		47
Lake	35	
Lapeer		9
Leelanau		10
Lenawee	16	
Livingston	16	
Luce	31	
Mackinac		13
Macomb		11
Manistee	25	
Marquette	16	
Mason	20	
Mecosta	11	
Menominee	16	
Missaukeo	32	
Monroe		7
Montcalm	15	
Montmorency	22	
Muskegon		25
Newaygo	23	
Oakland		9
Oceana	22	
Ogemaw		17
Ontonagon		10
Osceola	20	
Oscoda	43	
Otsego	11	
Ottawa	16	
Presque Isle	19	
Roscommon	29	
Saginaw		28
St. Clair		14
St. Joseph		6
Sanilac	5	
Schoolcraft	32	
Shiawassee	21	
Tuscola	15	
Van Buren		7
Washtenaw		4
Wayne		13
Wexford	26	
MINNESOTA		
Aitkin		8
Anoka		25
Becker		13
Beltrami		17
Benton		8
Big Stone		9
Blue Earth		8
Carlton		24
Carver		5
Cass		12
Chippewa		3
Chisago		8
Clearwater	25	
Cook		34
Cottonwood	5	
Crow Wing		13
Dakota		12
Douglas	12	
Faribault	10	
Grant	11	
Hennepin		15
Hubbard		15
Isanti	8	
Itasca		18
Jackson	4	
Kanabec	7	
Kandiyohi		8
Kittson		6
Koochiching		22
Lac qui Parle		3
Lake		8
Lake of the Woods		13
Le Sueur		5
Lincoln		8
Lyon	12	
Mahnomen	24	
Marshall		7
Meeker	7	
Mille Lacs		10
Morrison	57	
Mower	56	
Murray		31
Nicollet	40	
Nobles		16
Otter Tail		16
Pennington		28
Pine		36
Pipestone		17
Polk		27
Pope	20	
Ramsey		26
Red Lake		9

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MINNESOTA—Continued		
Redwood		4
Renville		5
Rock	4	
Roseau		5
St. Louis		21
Scott	10	
Sherburne	11	
Sibley		5
Stearns		9
Stevens	7	
Swift		7
Todd	13	
Traverse	10	
Wadena		7
Waseca	9	
Washington		12
Wright		6
Yellow Medicine		4
MISSISSIPPI		
Adams	35	
Alcorn		19
Amite	51	
Attala		26
Benton	64	
Bolivar		48
Calhoun	32	
Carroll	54	
Chickasaw		21
Choctaw	43	
Claiborne		31
Clarke	52	
Clay		40
Coahoma		49
Copiah	41	
Covington		25
DeSoto		50
Forrest		18
Franklin	34	
George	51	
Greene	53	
Grenada		22
Hancock	20	
Harrison		12
Hinds		24
Holmes		48
Humphreys		40
Issaquena	61	
Itawamba		9
Jackson		14
Jasper		31
Jefferson	73	
Jefferson Davis		31
Jones		27
Kemper	44	
Lafayette	31	
Lamar		19
Lauderdale	32	
Lawrence	48	
Leake	60	
Lee		17
Leflore		43
Lincoln		18
Lowndes		19
Madison		30
Marion		15
Marshall	73	
Monroe		20
Montgomery		25
Neshoba	23	
Newton	26	
Noxubee	75	
Oktibbeha		21
Panola		31
Pearl River	22	
Perry	31	
Pike		19
Pontotoc	23	
Prentiss		14
Quitman		36
Rankin	54	
Scott		24
Sharkey	89	
Simpson		14
Smith	31	
Stone	30	
Sunflower		35
Tallahatchie		44
Tate	50	
Tippah	29	
Tishomingo	18	
Tunica		53
Union		16
Walthall	57	
Warren		15

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MISSISSIPPI—Continued		
Washington		29
Wayne	43	
Webster	25	
Wilkinson	66	
Winston	40	
Yalobusha		24
Yazoo		40
MISSOURI		
Benton	14	
Bollinger	27	
Buchanan	19	
Butler	35	
Caldwell	1	
Cape Girardeau	18	
Carter	49	
Christian	17	
Clay	10	
Dade	13	
Dallas	24	
Daviess	11	
De Kalb	1	
Dent	25	
Douglas	21	
Dunklin	34	
Gentry	1	
Greene	23	
Harrison	10	
Hickory	18	
Howell	21	
Iron	43	
Jackson	17	
Jefferson	17	
Lewis	13	
Linn	1	
Livingston	16	
McDonald	14	
Madison	26	
Maries	12	
Marion	16	
Mercer	10	
Mississippi	54	
New Madrid	44	
Nodaway	1	
Oregon	27	
Osage	13	
Ozark	23	
Pemiscot	52	
Perry	1	
Pike	15	
Polk	27	
Putnam	14	
Ralls	11	
Reynolds	70	
Ripley	38	
St. Charles	45	
St. Clair	12	
St. Francois	31	
St. Louis	20	
Schuyler	1	
Scott	42	
Shannon	36	
Shelby	19	
Stoddard	37	
Stone	21	
Sullivan	11	
Texas	23	
MISSOURI		
Washington	44	
Wayne	43	
Webster	17	
Worth	9	
Wright	22	
Independent city		
St. Louis		15
MONTANA		
Cascade		27
Deer Lodge		18
Flathead	30	
Glacier		8
Lewis and Clark		8
Lincoln		38
Roosevelt	65	
Silver Bow		22
Valley		12
Wibaux	17	
NEBRASKA		
Antelope		3
Boone		4
Boyd		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEBRASKA—Continued		
Box Butte		4
Buffalo		4
Butler		2
Cedar		4
Clay		3
Cuming		3
Custer		3
Dakota		8
Dawson		4
Deuel		3
Dixon		5
Dodge		5
Douglas		23
Franklin		2
Gage		3
Garfield		4
Gosper		3
Greeley		9
Hall		5
Harlan		6
Holt		2
Howard		3
Johnson		1
Kearney		3
Keith		5
Knox	13	
Lancaster		6
Madison		1
Merrick		3
Morrill		4
Nance		1
Nemaha		3
Phelps		4
Pierce		1
Pawnee		3
Rock		6
Sarpy		9
Saunders		3
Scotts Bluff		10
Sheridan		7
Sherman		2
Stanton		3
Thayer		2
Thurston	48	
Valley		3
Washington		2
Wheeler		3
York		2
NEVADA		
Churchill	21	
Clark	13	
Elko	20	
Eureka	16	
Humboldt	51	
*Lincoln	15	
Lyon	29	
Mineral	34	
Ormsby	9	
Pershing	27	
Washoe	18	
White Pine	28	
NEW HAMPSHIRE		
Belknap	18	
Carroll	14	
Cheshire	19	
Coos	23	
Grafton	7	
Hillsborough	11	
Merrimack	15	
Rockingham	5	
Strafford	8	
Sullivan	12	
NEW JERSEY		
Atlantic		20
Bergen		6
Burlington:		
Mount Holly (city)	(1)	
Mount Laurel (city)	(1)	
North Hanover (city)	(1)	
Camden		18
Cape May		15
Cumberland		21
Essex: Newark (city)	22	
Gloucester:		
Glassboro (city)	(1)	
Washington (township)	(1)	
Monroe (city)	(1)	
Hudson		27

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEW JERSEY—Continued		
Mercer		15
Middlesex		19
Monmouth:		
Asbury Park	(1)	
Keyport (city)	(1)	
Ocean		24
Passaic		6
Salem		23
Somerset: Millstone (city)	(1)	
Sussex: Franklin (city)	(1)	
Union		12
Warren		10
NEW MEXICO		
Bernalillo		49
Catron	17	
Chaves		18
Colfax		19
Curry		19
De Baca		11
Dona Ana	34	
Eddy		25
Grant	25	
Guadalupe		41
Harding		12
Hidalgo	34	
Lea		13
Lincoln		10
Luna	41	
McKinley	47	
Mora		44
Otero		18
Quay		21
Rio Arriba		60
Roosevelt		20
Sandoval		49
San Juan	50	
San Miguel		50
Santa Fe		47
Sierra	23	
Socorro	56	
Taos		4
Torrance		32
Union		8
Valencia	47	
NEW YORK		
Albany	13	
Allegany	22	
Broome	22	
Binghamton (city)	46	
Union (city)	(1)	
Cattaraugus		12
Cayuga	28	
Auburn (city)	29	
Chautauqua	(1)	
Jamestown (city)		(1)
Chemung	32	
Clinton		14
Columbia	19	
Cortland	27	
Delaware	25	
Erie		20
Essex	30	
Franklin	44	
Fulton	38	
Genesee	28	
Greene	13	
Hamilton	31	
Herkimer	18	
Jefferson	28	
Lewis	50	
Livingston	19	
Madison	30	
Monroe	25	
Montgomery	22	
Nassau	20	
New York (city)	27	
Niagara		24
Oneida	27	
Onondaga	39	
Orleans	30	
Oswego	40	
Oswego (city)	(1)	
Rensselaer	32	
St. Lawrence	39	
Saratoga	14	
Schenectady	11	
Scoharie	29	
Schuyler	30	
Seneca	24	
Steuben	33	
Suffolk	29	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEW YORK—Continued		
Tioga	34	
Tompkins	20	
Ulster	12	
Warren	27	
Washington	33	
Wayne		8
Westchester	18	
Wyoming		5
Yates	25	
NORTH CAROLINA		
Alexander	12	
Alleghany	15	
Anson		12
Ashe	12	
Avery	23	
Beaufort	11	
Bertie		32
Bladen		29
Brunswick		12
Buncombe	12	
Burke	5	
Cabarrus		4
Caldwell	6	
Camden	30	
Carteret	11	
Caswell	16	
Catawba		4
Chatham		6
Cherokee	13	
Chowan		11
Clay	17	
Cleveland		5
Columbus	23	
Craven	18	
Cumberland	17	
Currituck	24	
Dare		8
Davidson	6	
Davie		5
Duplin	14	
Durham		14
Edgecombe	31	
Forsyth		7
Franklin		17
Gaston	11	
Gates	19	
Graham	17	
Granville		9
Greene		26
Guilford	14	
Halifax		24
Harnett		4
Haywood	20	
Henderson	8	
Hertford	38	
Hoke	34	
Hyde	46	
Jackson	15	
Johnston	12	
Jones	40	
Lee		15
Lenoir	17	
McDowell		7
Macon	10	
Madison	23	
Martin		25
Mecklenburg	20	
Mitchell	30	
Montgomery	13	
Moore		7
Nash		18
New Hanover		8
Northampton		19
Onslow	11	
Orange		6
Pamlico	15	
Pasquotank	17	
Pender	15	
Perquimans	23	
Person		13
Pitt	37	
Richmond		4
Robeson	17	
Rockingham		3
Rowan	7	
Rutherford	7	
Sampson	15	
Scotland		18
Stokes	9	
Surry		5
Swain	22	
Transylvania	10	
Tyrrell	40	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NORTH CAROLINA—Continued		
Union		6
Vance	28	
Wake	18	
Warren		29
Washington	39	
Watauga	15	
Wayne	22	
Wilkes	11	
Wilson	21	
Yadkin	6	
Yancey	18	
NORTH DAKOTA		
Barnes		13
Benson		21
Billings		5
Bottineau		5
Burke		5
Burleigh	24	
Cass	14	
Cavalier		18
Dickey		12
Divide		7
Dunn		5
Emmons		25
Foster	9	
Golden Valley		(1)
Grand Forks	18	
Grant		5
Griggs		7
Hettinger		7
Kidder		4
La Moure		11
Logan		7
McHenry		10
McIntosh		7
McLean		5
Mercer		6
Morton		12
Mountrail		12
Nelson		3
Oliver		7
Pembina		11
Pierce		9
Ramsey	4	
Ransom		5
Richland		7
Rolette	15	
Sargent		10
Sheridan		8
Sioux		3
Stark		13
Steele		4
Towner		9
Traill		9
Walsh	16	
Ward	21	
Williams		13
OHIO		
Adams	21	
Allen		10
Ashland		2
Ashtabula		10
Athens		12
Belmont		7
Brown	14	
Butler		9
Carroll		4
Champaign	4	
Clark		9
Clermont		23
Clinton	19	
Columbiana		10
Coshocton		3
Crawford		5
Cuyahoga		36
Darke	7	
Erie		8
Fayette	17	
Franklin		22
Fulton		2
Geauga		8
Guernsey		6
Hamilton		21
Hardin		3
Harrison		4
Highland	17	
Hocking		8
Holmes		2
Huron		6
Jackson	41	
Jefferson		21
Knox		5
Lake		7

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
OHIO—Continued		
Lawrence		26
Licking	10	
Logan		5
Lorain		27
Lucas		30
Madison	20	
Mahoning		18
Marion		9
Medina		4
Meigs		12
Miami		5
Monroe		9
Montgomery		15
Morgan		9
Morrow	6	
Muskingum		14
Ottawa		10
Perry	11	
Pickaway	20	
Pike	43	
Portage		8
Preble	7	
Richland		6
Ross		13
Sandusky		6
Scioto		19
Shelby	4	
Stark		11
Summit		17
Trumbull		15
Tuscarawas		7
Union	7	
Van Wert		4
Vinton		9
Warren	9	
Washington		5
Wayne		4
Wood		8
Wyandot		7
OKLAHOMA		
Adair	71	
Alfalfa	11	
Atoka	34	
Beckham	28	
Blaine	20	
Bryan	20	
Caddo	37	
Canadian	12	
Carter	33	
Cherokee	37	
Choctaw	41	
Cimarron	19	
Cleveland	20	
Coal	43	
Comanche	16	
Cotton	20	
Craig	18	
Creek	32	
Custer	22	
Delaware	45	
Dewey	14	
Ellis	11	
Garfield	17	
Garvin	30	
Grady	30	
Grant	9	
Greer	26	
Harper	16	
Haskell	48	
Hughes	36	
Jackson	30	
Jefferson	27	
Johnston	43	
Kay	24	
Kingfisher	13	
Kiowa	26	
Latimer	52	
Le Flore	45	
Lincoln	22	
Logan	27	
Love	33	
McClain	20	
McCurtain	53	
McIntosh	45	
Marshall	38	
Mayes	30	
Murray	30	
Muskogee	42	
Noble	18	
Nowata	32	
Okfuskee	40	
Oklahoma	37	
Okmulgee	40	
Osage	21	
Ottawa	24	
Pawnee	23	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
OKLAHOMA—Continued		
Payne	17	
Pittsburg	26	
Pontotoc	25	
Pottawatomie	26	
Pushmataha	36	
Roger Mills	12	
Rogers	23	
Seminole	40	
Sequoyah	65	
Stephens	23	
Texas	24	
Tillman	41	
Tulsa	25	
Wagoner	36	
Washington	19	
Washita	11	
Woodward	12	
OREGON		
Baker	26	
Benton	19	
Clackamas	38	
Clatsop	22	
Columbia	47	
Coos	57	
Crook	40	
Curry	56	
Deachutes	31	
Douglas	48	
Gilliam	4	
Grant	37	
Harney	25	
Hood River	50	
Jackson	24	
Jefferson	49	
Josephine	48	
Klamath	27	
Lake	37	
Lane	56	
Lincoln	34	
Linn	45	
Malheur	32	
Marion	39	
Morrow	19	
Multnomah		15
Polk	36	
Sherman	16	
Umatilla	30	
Union	17	
Wallowa	24	
Wasco	31	
Washington	24	
Wheeler	10	
Yamhill	28	
PENNSYLVANIA		
Allegheny		23
Armstrong		13
Beaver		17
Bedford	16	
Berks		8
Blair		9
Bradford		19
Bucks	17	
Butler		11
Cambria		13
Cameron		15
Carbon	9	
Centre		10
Chester	5	
Clarion		22
Clearfield		15
Clinton		10
Columbia		5
Crawford		8
Cumberland	7	
Dauphin		9
Delaware		20
Elk		7
Erie		10
Fayette		27
Forest	10	
Franklin	13	
Fulton	23	
Greene		24
Huntingdon		14
Indiana		13
Jefferson		11
Juniata		7
Lackawanna		14
Lancaster	4	
Lawrence		25

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
PENNSYLVANIA—Continued		
Lebanon	6	
Lehigh	5	
Luzerne		9
Lycoming		7
McKean		19
Mercer		9
Mifflin		10
Monroe		11
Montgomery	6	
Montour		2
Northampton		11
Northumberland		8
Perry		8
Philadelphia		18
Potter		18
Schuylkill	14	
Snyder	9	
Somerset		13
Sullivan		9
Susquehanna		9
Tioga		24
Union	16	
Venango		16
Warren	11	
Washington		16
Wayne		4
Westmoreland		12
Wyoming		6
York		14
RHODE ISLAND		
Bristol:		
Bristol (city)	(1)	
Warren (city)	(1)	
Kent:		
Coventry (city)	(1)	
East Greenwich (city)	(1)	
Warwick (city)	10	
West Greenwich (city)	(1)	
West Warwick (city)	(1)	
Newport:		
Jamestown (city)	(1)	
Newport (city)	(1)	1 N/A
Providence:		
Burrillville (city)	(1)	
Central Falls (city)		1 N/A
Cranston (city)	12	
East Providence (city)		1 N/A
Foster (city)	(1)	
Glocester (city)	(1)	
Johnston (city)	(1)	
Lincoln (city)	(1)	
North Providence (city)	(1)	
North Smithfield (city)	(1)	
Pawtucket (city)		(1)
Providence (city)		25
Smithfield (city)	(1)	
Woonsocket (city)		(1)
SOUTH CAROLINA		
Abbeville		4
Aiken		8
Allendale		24
Anderson		3
Bamberg		18
Barnwell		18
Beaufort		20
Berkeley		24
Calhoun		19
Charleston		9
Cherokee		6
Chester		6
Chesterfield		13
Clarendon		31
Colleton		16
Darlington		17
Dillon		40
Dorchester		19
Edgefield		13
Fairfield		8
Florence		26
Georgetown		36
Greenville		7
Greenwood		3
Hampton		17
Horry		16
Jasper		16
Kershaw		11
Lancaster		7
Laurens		6

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
SOUTH CAROLINA—Continued		
Lee		40
Lexington		5
McCormick		31
Marion		18
Marlboro		31
Newberry		5
Oconee		7
Orangeburg		18
Pickens		5
Richland		4
Saluda		11
Spartanburg		5
Sumter		16
Union		5
Williamsburg		40
York		14
SOUTH DAKOTA		
Beadle		6
Bennett		3
Bon Homme	6	
Brookings	8	
Brown		7
Brule	13	
Buffalo	10	
Campbell	18	
Charles Mix	21	
Clark		4
Codington		6
Corson		4
Davison		9
Day	14	
Deuel	11	
Dewey		17
Douglas	8	
Edmunds	10	
Faulk	6	
Grant	6	
Gregory	11	
Hamlin	5	
Hand	9	
Hanson	3	
Hutchison		2
Hyde		9
Jackson		8
Jerauld	5	
Kingsbury	12	
Lake		6
Lincoln		3
Lyman	7	
McCook	9	
McPherson	4	
Marshall	7	
Mellette	8	
Miner	4	
Moody	16	
Pennington		22
Perkins	9	
Potter	10	
Roberts	8	
Sanborn	6	
Todd	6	
Tripp	16	
Turner		3
Union	9	
Walworth	23	
Ziebach		32
TENNESSEE		
Anderson		25
Bedford		3
Benton	16	
Bledsoe		26
Blount		10
Bradley		8
Campbell		27
Cannon		12
Carroll	12	
Carter		18
Cheatham	20	
Chester		6
Claiborne		18
Clay		16
Cocke		10
Coffee		8
Crockett		14
Cumberland		14
Davidson		4
Decatur	13	
DeKalb		8
Dickson		6
Dyer		13
Fayette		39

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TENNESSEE—Continued		
Fentress		20
Franklin		10
Gibson	19	
Giles		6
Grainger		14
Greene	5	
Grundy		17
Hamblen	12	
Hamilton		8
Hancock		23
Hardeman	51	
Hardin		15
Hawkins		10
Haywood		41
Henderson		12
Henry		4
Hickman		14
Houston		13
Humphreys		12
Jackson		13
Jefferson	17	
Johnson		11
Knox		9
Lake		31
Lauderdale		29
Lawrence		7
Lewis		9
Lincoln		7
Loudon		9
McMinn		7
McNairy		13
Macon		6
Madison	10	
Marion		26
Marshall	11	
Maury		5
Meigs		12
Monroe		9
Montgomery		6
Moor		6
Morgan		32
Obion		4
Overton		14
Perry		12
Pickett		14
Polk		8
Putnam		9
Rhea		17
Roane		17
Robertson	13	
Rutherford		5
Scott		39
Sequatchie		23
Sevier		6
Shelby		8
Smith		7
Stewart	21	
Sullivan		11
Sumner		9
Tipton		28
Trousdale		8
Unicoi		17
Union	24	
Van Buren		11
Warren		6
Washington	8	
Wayne		10
Weakley		5
White		11
Wilsen		6
TEXAS		
Anderson	6	
Angelina	42	
Atascosa	12	
Austin	8	
Bastrop	18	
Bee	4	
Bexar		12
Brewster		12
Brooks	61	
Brown	11	
Burleson	28	
Caldwell	16	
Callahan	9	
Cameron	14	
Camp	24	
Carson	3	
Cass	18	
Cherokee	11	
Childress	7	
Cochran	18	
Coke	8	
Comanche	10	
Cooke	11	
Cottle	24	
Crosby	6	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS—Continued		
Culberson		15
Dallam	6	
Dallas	12	
Dawson	16	
Delta	15	
De Witt	16	
Dickens	19	
Dimmit	30	
Duval	51	
Eastland	11	
El Paso		13
Falls	17	
Fannin	21	
Fayette	9	
Fisher	10	
Floyd	10	
Foard	12	
Franklin	15	
Freestone	19	
Frio	32	
Galveston	10	
Goliad	34	
Gonzales	20	
Grimes	25	
Grayson		
Denison (City)	(1)	
Guadalupe	8	
Hale	13	
Hamilton	5	
Hardeman	13	
Hardin	19	
Harris	10	
Haskell	14	
Hays	19	
Hemphill	7	
Henderson	8	
Hidalgo	17	
Hills	13	
Hockley	10	
Houston	20	
Howard	9	
Hudspeth		17
Hutchison	23	
Irion	22	
Jackson	8	
Jasper	20	
Jeff Davis		16
Jefferson	11	
Jim Hogg	58	
Jim Wells	25	
Jones	18	
Karnes	41	
Kent	18	
Kinney	55	
Kleberg	21	
Know	15	
Lamb	8	
La Salle	45	
Lavaca	11	
Lee	19	
Leon	27	
Liberty	12	
Limestone	19	
Lipscomb	3	
Live Oak	41	
Lubbock	6	
McLennan	6	
Madison	25	
Marion	33	
Martin	7	
Matagorda	17	
Maverick	44	
Madina	16	
Milam	19	
Montague	13	
Moore	4	
Morris	19	
Motley	22	
Nacagdoches	14	
Newton	23	
Nolan	15	
Nueces	8	
Orange	10	
Panola	18	
Pecos		12
Polk	19	
Potter	7	
Presidio		36
Rains	15	
Real	33	
Robertson	41	
Sabine	10	
San Augustine	18	
San Jacinto	39	
San Patricio	27	
Scurry	16	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS—Continued		
Shelby	8	
Smith	2	
Starr	67	
Stonewall	18	
Swisher	17	
Tarrant		6
Terrell		6
Terry	5	
Titus	15	
Tom Green	11	
Travis	20	
Trinity	23	
Tyler	14	
Upshur	20	
Val Verde Del Rio (city)	23	
Waller	14	
Walker	38	
Ward	27	
Washington	23	
Webb	40	
Wilbarger	13	
Willacy	39	
Williamson	10	
Wilson	15	
Zapata	57	
Zavala	28	
UTAH		
Beaver		5
Box Elder		5
Cache		3
Carbon		10
Daggett		(2)
Davis		11
Duchesne		11
Emery		6
Garfield		8
Grand		11
Iron		6
Juab		4
Kane		2
Millard		2
Morgan		4
Piute		8
Rich		1
Salt Lake		18
San Juan		26
Sanpete		6
Sevier		5
Summit		4
Tooele		4
Uintah		10
Utah		10
Wasatch		6
Washington		4
Wayne		1
Weber		19
VERMONT [4]		
Addison		(1)
Middlebury [4]		
Bennington		
Bennington [4]		(1)
Caledonia		
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Chittendon		
St. Alban's (WD)		(1)
Burlington (WD)		30
Middlebury (WD)		(1)
Morrisville (WD)		(1)
Essex		
Newport (WD)		(1)
St. Johnsbury (WD)		(1)
Franklin		
St. Alban's (WD)		(1)
Grand Isle		
St. Alban's (WD)		(1)
Lamoille		
Morrisville (WD)		(1)
Orange		
Hartford (WD)		(1)
Montpelier (WD)		(1)
St. Johnsbury (WD)		(1)
Orleans		
Newport (WD)		(1)
Rutland		
Rutland (WD)		(1)
Washington		
Montpelier (WD)		(1)
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Windham		
Brattleboro (WD)		(1)
Springfield (WD)		(1)

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
Vermont—Continued		
Windsor		
Hartford (WD)		(1)
Springfield (WD)		(1)
VIRGINIA		
Accomack	7	
Amelia		5
Amherst	11	
Appomattox	17	
Bath	16	
Bland	11	
Brunswick	15	
Buchanan	21	
Buckingham	15	
Caroline		2
Carroll	9	
Charles City		5
Charlotte	9	
Craig	13	
Cumberland	15	
Dickenson		23
Dinwiddie		6
Essex		3
Fairfax		5
Floyd	5	
Fluvanna	18	
Franklin	6	
Giles	18	
Goochland		2
Grayson		4
Greene	19	
Greenville	16	
Halifax	18	
Highland		1
Isle of Wight	27	
King and Queen	14	
Lee		14
Louisa	11	
Lunenburg	13	
Madison		4
Mecklenburg		1
Middlesex		5
Nansemond	33	
Nelson	12	
Northampton	13	
Northumberland		2
Nottoway	20	
Page	24	
Patrick	4	
Pittsylvania	22	
Powhatan	14	
Prince Edwards	18	
Rappanhannock	17	
Richmond	20	
Russell	20	
Scott	16	
Smyth		4
Southhampton		9
Surry	15	
Sussex	29	
Tazewell		15
Washington		6
Westmoreland		3
Wise		13
Wythe		2
INDEPENDENT CITIES		
Bristol		16
Chesapeake		13
Danville		7
Fairfax		(1)
Falls Church		(1)
Norfolk		7
Norton		(1)
Roanoke	9	
WASHINGTON		
Adams		35
Asotin		28
Benton		37
Chelan		34
Clallam		31
Clark		24
Columbia		31
Cowlitz		21
Douglas		28
Ferry		19
Franklin		35
Garfield		16
Grant		28
Grays Harbor		49
Island		5
Jefferson		18
King		20
Kitsap		14
Kittitas		18
Klickitat		28
Lewis		21
Lincoln		6
Mason		32
Okanogan		21
Pacific		15
Pand Oreille		18
Pierce		22
San Juan		3
Skagit		32
Skamania		68
Snohomish		23
Spokane		29
Stevens		16
Thurston		20
Wahkiakum		33
Walla Walla		35
Whatcom		20
Whitman		14
Yakima		46
WEST VIRGINIA		
Barbour		18
Berkeley		9
Boone		36
Braxton		23
Brooke		26
Cabell		14
Calhoun		28
Clay		46
Doddridge		11
Fayette		25
Gilmer		23
Grant		8
Greenbrier		14
Hampshire		9
Hancock		14
Hardy		11
Harrison		9
Jackson		18
Jefferson		9
Kanawha		20
Lewis		14
Lincoln		41
Logan		37
McDowell		36
Marion		10
Marshall		14
Mason		14
Mercer		18
Mineral		18
Mingo		52
Monongalia		8
Monroe		15
Morgan		6
Nicholas		22
Ohio		12
Pendelton		10
Pleasants		14
Pocahontas		14
Preston		14
Putnam		17
Raleigh		21
Randolph		21
Ritchie		11
Roane		19
Summers		28
Taylor		11
Tucker		15
Tyler		12
Upshur		19
Wayne		40
Webster		38
Wetzel		22
Wirt		8
Wood		10
Wyoming		41
WISCONSIN		
Adams		11
Ashland	29	
Barron		6
Bayfield		10
Brown	14	
Buffalo	11	
Burnett		7
Chippewa:		
Arthur (city)	(1)	
Bloomer (city)	(1)	
Birch Creek (city)	(1)	
Cadott (city)	(1)	
Chippewa Falls (city)	(1)	
Cleveland (city)	(1)	
Cornell (city)	(1)	
Eagle Point (city)	(1)	
Estella (city)	(1)	
New Holcombe (city)	(1)	
New Auburn (city)	(1)	
Ruby (city)	(1)	
Sampson (city)	(1)	
Stanley (city)	(1)	
Clark	8	
Columbia		4
Crawford		11
Dane	16	
Dodge	5	
Door		4
Douglas		24
Duan		7
Eau Claire		10
Florence	40	
Fond du Lac	7	
Forest		13
Grant		6
Green		3
Iowa		3
Iron		6
Jackson	16	
Juneau	13	
Kenosha	32	
Kewaunee		3
LaCrosse		12
Lafayette	14	
Langlade		7
Lincoln		13
Manitowoc	13	
Marathon	10	
Marinette		11
Marquette		4
Menominee	85	
Milwaukee		25
Monroe		7
Oconto	11	
Oneida		18
Outagamie	10	
Ozaukee	8	
Pepin		10
Pierce		4
Polk	11	
Portage	12	
Price		8
Racine	30	
Richland		5
Rock	19	
Rusk		11
St. Croix		4
Sauk	7	
Sawyer	27	
Shawano	9	
Sheboygan	7	
Taylor	14	
Trempealeau		4
Vernon		4
Washburn	27	
Washington	9	
Waukesha		9
Waupaca	9	
Waushara	10	
Winnebago	8	
Wood	16	
WYOMING		
Albany		9
Big Horn		16
Campbell		6
Carbon		16
Converse		6
Crook		2
Fremont		4
Goshen		10
Hot Springs		3
Johnson		6
Laramie		34
Lincoln		3
Natrona		16
Niobrara		4
Park		9
Platte		10
Sheridan		8
Sublette		4
Sweetwater		17
Teton		13
Uinta		2
Washakie		10
Weston		11
National average	22	16

[1] Not available.
[2] Included with Billings County.
[3] Combined with Uintah.
[4] Welfare district.

EXHIBIT 3

STATE-BY-STATE PROFILE OF THE DROP IN PARTICIPATION IN COUNTIES TRANSFERRING FROM COMMODITY DISTRIBUTION PROGRAM TO FOOD STAMP PROGRAM [1]

State	Commodity participation just before transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969	Decline in participation: Number	Decline in participation: Percent
Total [2]	2,783,108	1,478,568	1,698,891	1,084,217	40
Alabama	69,562	27,308	28,302	41,260	58
Arkansas	118,777	47,630	64,464	54,313	46
California	6,196	3,652	8,039	+1,843	([3])
Colorado	65,425	25,200	45,135	20,290	31
Connecticut	574	21,382	18,104	+17,530	
Georgia	31,325	7,316	12,086	19,239	67
Illinois	112,394	42,191	43,792	68,602	61
Indiana	49,846	22,255	35,162	14,684	29
Iowa	43,755	16,832	22,660	21,095	48
Kansas	1,820	1,034	763	1,057	58
Kentucky	196,083	95,071	119,968	76,115	39
Louisiana	113,444	66,336	66,068	47,376	42
Maine	1,070	647	2,738	+1,668	
Maryland	43,447	31,634	32,339	11,108	26
Massachusetts	[4] 133	[4] 294	[4] 134	([3])	
Michigan	217,162	113,070	86,925	130,237	60
Minnesota	47,265	21,700	27,297	19,968	42
Mississippi	295,500	176,415	178,050	117,450	40
Missouri	68,106	9,235	21,876	46,230	67
Montana	2,768	1,518	1,855	913	33
Nebraska	12,872	6,992	8,665	4,207	33
New Jersey	5,138	19,856	31,414	+26,276	
New Mexico	34,637	18,566	36,043	+1,406	
New York	54,569	33,289	36,044	18,525	34
North Carolina	19,925	9,909	11,563	8,362	42
North Dakota	1,582	1,968	2,127	+545	
Ohio	274,053	169,814	216,704	57,349	21
Oregon	31,383	9,841	11,703	19,680	63
Pennsylvania	416,685	231,241	223,197	193,488	46
Rhode Island	4,299	4,591	6,282	+1,983	
South Carolina	13,119	7,264	9,671	3,448	26
Tennessee	98,412	73,066	72,870	25,542	26
Texas	7,844	5,207	7,534	310	4
Utah	9,957	4,852	4,786	5,171	52
Vermont	2,297	3,679	4,777	+2,480	
Virginia	13,838	10,019	6,519	7,319	52
Washington	76,028	37,362	60,923	15,105	20
West Virginia	198,741	89,851	[4] 121,235	77,506	39
Wisconsin	13,529	5,551	5,958	7,571	56
Wyoming	9,681	5,224	5,253	4,428	45

[1] Includes only counties transferring during fiscal years 1961–68. Based on participation in food stamp programs on Jan. 1, 1969, as reported by USDA and on USDA publication "Participation in Needy Family Program in Projects Prior to Transfer to Food Stamp Program and Participation in Food Stamp Program" C. & M. S./CFPSS, Dec. 2, 1968. Participation in food stamp program on Jan. 1, 1969 includes only counties which have transferred from the commodity program, thus, it is not equivalent to total participation in the food stamp program. Prepared by the Select Committee on Nutrition and Human Needs.

[2] These totals vary slightly from totals in USDA table II because cities for which Jan. 1, 1969, participation figures are not available are omitted from this table.

[3] See the following table:

	Commodity participation just before transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969
California:			
Humboldt	5,032	1,027	3,539
Modoc	282	59	127
Shasta	882	2,556	4,373

[4] This figure is based on the May 1968 participation, not the December 1968 participation as all the others are.

[5] Returned to commodity program.

TABLE II.—PARTICIPATION IN NEEDY FAMILY PROGRAM FOR PROJECTS BEFORE TRANSFERRING TO FOOD STAMP PROGRAM AND IN FOOD STAMP PROGRAM AFTER TRANSFERRING AND PARTICIPATION IN ALL PROJECTS OF FOOD STAMP PROGRAM,[1] BY MONTH

Month entered food stamp program	Transfers from needy family to food stamp: States [2]	Counties or cities	Persons participating: In needy family prior to transfer	Persons participating: In food stamp after transfer	Food stamp, all projects: States [2]	Projects [3]	Persons participating
Fiscal year 1961:							
May	1	1	36,673	11,287	1	1	11,287
June	4	4	52,096	33,715	5	5	38,353
Total	5	5	88,769	45,002	6	6	49,640
Fiscal year 1962:							
July	2	2	168,238	91,315	2	2	91,315
Cumulative total	7	7	257,007	136,317	8	8	140,955
Fiscal year 1963:							
October	1	1	32,285	11,500	1	1	11,500
November	3	6	50,106	28,829	4	7	31,372
December	3	3	62,728	29,321	3	3	29,321
January	2	2	79,922	20,239	2	2	20,239
February	1	1	6,536	4,717	1	1	4,717
March	8	10	214,464	91,214	8	10	91,214
April	2	2	18,705	5,163	2	2	5 163
May	2	2	90,544	46,568	2	2	46,568
June	2	5	18,231	8,894	3	6	9,386
Total	16	32	573,521	246,445	18	34	249,480
Cumulative total	19	39	830,528	382,762	21	42	390,435
Fiscal year 1964:							
September	1	1	3,423	1,264	1	1	1,264
Cumulative total	20	40	833,951	384,026	22	43	391,699
Fiscal year 1965:							
February	3	8	45,980	26,652	3	8	26,652
March	6	12	81,209	40,094	8	19	61,102
April	10	15	101,569	73,400	11	20	156,465
May	5	12	63,201	29,042	7	15	33,587
June	3	3	17,755	7,889	5	5	11,106
Total	17	50	309,714	177,077	21	67	288,912
Cumulative total	27	90	1,143,655	561,103	29	110	680,611
Fiscal year 1966:							
July [4]	5	6	84,444	36,988	5	6	37,240
September	1	2	6,807	5,267	1	2	5,267
October	4	8	43,537	24,321	5	9	29,532
November	12	25	83,854	57,070	18	32	74,119
December	10	21	95,650	45,910	16	32	125,363
January	2	2	35,133	16,422	5	5	30,342
February	1	1	33,926	20,779	4	4	33,825
March	2	4	22,079	7,987	6	9	12,173
April	9	15	53,006	21,746	18	31	55,253
May	14	45	339,356	134,217	16	57	138,012
June	9	28	87,175	36,483	15	28	38,586
Total	24	157	884,967	407,190	37	215	579,712
Cumulative total	33	247	2,028,632	968,293	41	[5] 324	1,260,323
Fiscal year 1967:							
July	2	2	7,401	4,518	2	2	4,518
August	1	1	12,984	9,167	1	1	9,167
September	1	3	4,299	4,591	2	4	16,532
October					1	1	117
November	8	38	45,878	25,787	13	62	39,926
December	14	57	100,829	60,163	20	83	79,694
January	17	91	157,256	79,489	18	112	89,291
February	10	47	103,638	64,593	14	56	68,108
March	10	22	79,402	45,445	15	35	59,655
April	14	30	51,548	27,587	17	44	36,830
May	16	49	56,821	26,134	18	60	32,094
June	9	47	124,229	63,465	14	54	70,565
Total	30	387	744,285	410,939	34	514	506,497
Cumulative to date	39	634	2,772,917	1,376,753	42	838	1,766,820

Footnotes at end of table.

TABLE II.—PARTICIPATION IN NEEDY FAMILY PROGRAM FOR PROJECTS BEFORE TRANSFERRING TO FOOD STAMP PROGRAM AND IN FOOD STAMP PROGRAM AFTER TRANSFERRING AND PARTICIPATION IN ALL PROJECTS OF FOOD STAMP PROGRAM,[1] BY MONTH—Continued

Month entered food stamp program	Transfers from needy family to food stamp: States[2]	Counties or cities	Persons participating: In needy family prior to transfer	In food stamp after transfer	Food stamp, all projects: States[2]	Projects[3]	Persons participating
Fiscal year 1968:							
July	1	1	517	277	1	1	277
August	1	1	5,187	2,946	2	2	6,452
September	1	1	5,940	3,008	3	3	7,749
October	2	4	41,750	32,025	4	5	35,113
November	1	3	574	21,382	1	2	37,922
January					1	1	1,267
February	2	2	1,069	1,024	3	4	1,631
March	11	26	42,750	32,620	18	72	72,315
April	16	56	85,929	54,539	25	103	94,932
Total	23	94	183,716	147,821	30	193	258,162
Cumulative to date	42	728	2,956,633	1,524,574	[4] 43	[4] 1,027	2,024,982
Fiscal year 1969:							
July	6	18	38,505		10	57	
August	8	24	54,806		19	83	
September	1	2	494		4	13	
October					1	1	
November	4	6	3,199		6	7	
Total	14	50	97,004		24	161	
Cumulative to date	42	778	3,053,637		[7] 43	[8] 1,186	

[1] Participation in needy family program is the peak of the 3 months prior to entering food stamp program; participation in food stamp program is the peak month nationally in fiscal year.
[2] States are counted only once in arriving at fiscal year total; also, only once since beginning of food stamp program in arriving at cumulative total.
[3] Projects expanding city to county operation or new county joining existing projects are not included as new projects.
[4] Includes District of Columbia.
[5] Rice County, Kans., withdrew Apr. 1, 1965.
[6] Cherokee County, S.C. (reentered July 1, 1968) and Hardeman County, Tenn., withdrew July 1, 1967; Nash County, N.C., withdrew August 1, 1967 (reentered Aug. 1, 1968); Marshall County, Miss., withdrew December 29, 1967.
[7] Includes District of Columbia; Massachusetts discontinued program when Amherst (city) withdrew July 31, 1968.
[8] Amherst (city), Mass., withdrew July 31, 1968; Red River, Tex., withdrew Sept. 30, 1968.

Mr. HOLLAND. Mr. President, I, too, shall vote for Senate Joint Resolution 126. During consideration of the whole food stamp situation in the Committee on Agriculture and Forestry, it was agreed that the length of time required to work out a general revision of the food stamp legislation in both Houses, and to obtain Presidential approval, was so great that the only way in which we could reflect the evident and recognized need, and go beyond the $340 million presently authorized by law for the food stamp program, would be to follow the course now being followed; namely, to authorize the chairman of the committee, the able Senator from Louisiana (Mr. ELLENDER), to present for the full committee a resolution along the lines we are now considering, increasing the authorization for fiscal 1970 to $750 million.

Since, however, there are many questions in this whole matter, I want briefly to speak as to my understanding of the situation.

My understanding was, first, that the Senator from Louisiana would be empowered to present the resolution in the speediest time possible before the final markup of the annual appropriations bill for the Department of Agriculture.

I serve as chairman of the Subcommittee on Appropriations which handles that bill and which, on yesterday, marked up that bill providing for $340 million, which was the maximum that we could provide under existing authorizations.

The full Senate committee will consider this matter and approve or disapprove the recommendations of the subcommittee of 15 which marked up this bill yesterday.

My understanding is that, after the Senate completes action favorably on Senate Joint Resolution 126, the full committee will be empowered to proceed, in accordance with the resolution we are now considering, to consider the amount up to, but not exceeding, $750 million which ought to be placed in the annual appropriations bill in its final markup by the Appropriations Committee for the food stamp program.

Mr. President, it was my understanding, at the time that we authorized our distinguished chairman to present this resolution, that it would include also a provision for the carrying forward of any unspent amount of the total appropriation for 1970.

I have just consulted with the distinguished Senator from Louisiana, who tells me that it proved to be not practical to include that in this resolution; but that he still feels that our committee is committed to include in the food stamp bill the committee is still working on a provision for carryover of any unspent amount in the 1970 appropriation to 1971, and I believe a similar commitment to carry over any unspent amount in the appropriation for 1971 into 1972, it being the present intent and decision of the Senate Committee on Agriculture and Forestry to have the new, enlarged food stamp bill cover not only the increased authorization for 1970, but also to increase authorizations for 1971 and 1972.

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

Mr. HOLLAND. I am glad to yield to Senator from Louisiana.

Mr. ELLENDER. That is the understanding. As a matter of fact, when this resolution was first presented, we had this carryover provision, but a point was made that it might be best to carry it in the bill we were considering rather than this resolution. In other words, the idea was to change no part of the present law except to increase the authorization. As the Senator knows, we have tentatively agreed on some of the main provisions of the food stamp program, and in that tentative agreement we have included language that would carryover the unused money from the appropriation of 1970 over to 1971, and any unused money from 1971 to 1972. That will be in the act.

Mr. HOLLAND. I thank the Senator. Is it the understanding of the distinguished chairman of our committee that we are working on a new bill which would cover authorizations through 1972, but not beyond that date?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. I thank the Senator for his statement.

Mr. President, this statement leaves the situation in a somewhat different posture from that which existed when we acted in the Senate Committee on Agriculture and Forestry. At that time, as the Senator from Louisiana will recall, and likewise the Senator from South Dakota, we had before us, even in executive session, authorities from the Department of Agriculture to handle this important program. Mr. Davis and Miss Kelley stated to us at that time that the maximum amount which the administration could recommend for expenditure in 1970 at this time was $610 million, which was an increase of $270 million beyond the $340 million, which is the maximum authorization in the current, existing legislation.

Since there is no provision in this legislation for the carryover feature, it would be my feeling that the full committee tomorrow should approve $610 million with the understanding that, if the new legislation passes before the conference work is completed on the annual appropriation bill, and if at that time $750 million, with the carryover feature, has become law, the conference committee would be expected to put that $750 million figure with the carryover feature into appropriation legislation. That is my understanding, and that would be my commitment if that course was carried out.

I want it distinctly understood, however, that until there is a carryover feature and unless we have some assurance that more than $610 million is needed or even can be spent in 1970, it would be my feeling that the full committee should confine itself to the evidence before it and to the request of the administration and what the administration witnesses

stated, that they were highly doubtful as to whether the $610 million could be fully spent in any reasonable method of amplifying or enlarging the present food stamp program.

However, that will be a matter for the full committee to pass upon; and in the event my own suggestion is followed, it will be a matter for the full conference committee to pass upon in the light of what has been accomplished by the Congress prior to the final action of the conference committee on the annual appropriation bill.

There are several other comments I would like to make, but I will not attempt to make them all. I just want to say, however, that at this time, in my view, the main problem we are dealing with is one of malnutrition, and not of hunger. I am sure there is some hunger in the United States; there may be some hunger in my own State; but malnutrition is that which I think this bill is principally aimed at. For that reason I want the RECORD to show that the Department of Agriculture evidently so believes because, beginning last fall, it started, out of section 32 funds which were made available, in spite of the fact that we had no specific appropriation for that purpose, to build up a program under which more information would be extended to the poverty-stricken families and those of low estate generally as to how they could have a more nutritious diet. Funds were made available for that program in mid-November and by the beginning of April more than 4,270 aides had been employed. They were recruited from the group of poverty-stricken people but under the direction of the Agricultural Extension Service, and particularly the home economics aides in the various counties of the Nation, in giving sounder information as to what does constitute a really balanced or nutritious diet. I think that approach is a sound one.

We were advised, in the testimony taken before the Appropriations Subcommittee, that the number of nutrition aides would be 5,300 by the time this June came to an end, that is, by the time we entered fiscal 1970, and that that number would increase in 1970. I think this approach is decidedly in line with the food stamp idea and the food stamp program, which is essentially a self-help program. One of the most important elements of self-help is in the choice of foods to be purchased by the use of food stamps. Because this is essentially a food stamp program, I want to make it very clear that, in my own opinion, we should never distribute food stamps without some contribution made by the individual or those who were backing him in his particular community, so that there will be an element of self-help in both the acquisition of the food stamps and, as there must be, in the use of the food stamps.

It is in the use of food stamps, as to whether they are spent for a balanced, nutritious diet, that we are going to have the answer as to whether this program is to be, in large measure, successful, as I hope it will be. The factor of the education of those who use the food stamps, and the factor of the use which they make of the food stamps in the purchase of food which will constitute a balanced, nutritious diet, will be the real test of the degree of success which we attain in this program.

Mr. President, there are many other things that I shall have to say when we get to the consideration of the basic legislation. I wish to say today that I am supporting this resolution because I think it points the way to a sizable enlargement for 1970, which I regard as necessary, of the food stamp program for the Nation. I wish to make it very clear, however, that I regard the agreement in the committee, though not represented in this resolution, that there shall be a provision for carryover of any unspent funds in the 1970 and 1971 programs, as an important and essential part of the agreement which we made in the committee, and I shall look forward to the carrying out of that part of the agreement as we proceed to draft the basic legislation, which should enlarge and replace the present food stamp bill.

I have one further comment. I do not know whether the distinguished chairman of the committee made this point. If not, it should be made. This is a completely bipartisan approach, in which the members of the Senate Committee on Agriculture and Forestry, as usual on matters coming before us, have joined in a completely bipartisan way in support of this resolution. There was no dissenting vote. All members of the committee on both sides of the aisle, as I recall, were of the conviction that we must raise the authorization for 1970, and that this is the appropriate way to do so.

I see in the Chamber the distinguished Senator from North Dakota (Mr. YOUNG), and I shall be happy to yield to him for further comment if he wishes.

Mr. YOUNG of North Dakota. Mr. President, I simply wish to state that the ranking Republican member of the committee, the Senator from Vermont (Mr. AIKEN), has been a longtime advocate of the food stamp program, and I have joined with him in supporting it these many years. We believe it is a good program, and support it fully.

Mr. KENNEDY. Mr. President, despite the grim facts revealed in testimony received by the Select Committee on Nutrition and Human Needs; despite the evidence of hunger and deprivation viewed by committee members in several communities of our Nation; despite the pleas for assistance from the Poor People's Campaign marchers; and despite the scientific evidence of malnutrition obtained by Dr. Arnold Schaefer, in his nationwide nutrition survey—despite all of these demands to put an end to hunger and suffering in our country, there are still thousands of Americans who are not yet convinced that there is a problem to be solved.

We in the Congress might appear to be at fault, because hungry Americans look to us for relief. They expect that we can provide the changes needed to improve their lives, and rightly so. We have promised and promised to help. We have enacted programs that bear a hint of making life more meaningful—when in reality these programs are a patchwork of temporary measures which do not go nearly far enough to solve this festering problem.

Today, in considering Senate Joint Resolution 126, we are asked to authorize the extension of one of these temporary measures—the current Federal Food Stamp Act. I know, as every member of the Select Committee on Nutrition and Human Needs also knows, that this program is frightfully ill equipped to meet the needs of our Nation's 30 million poor people. We are asked to extend a program that does not reach into every county where the poor are living; and even in those counties where it does operate, less than 16 percent of the poor actually receive the assistance they so urgently need if they are to have an adequate diet.

Public debates about the country's ability to feed the poor pointlessly end in a wrangle about money, loss of personal incentives, and concern over proving the relationship between good nutrition and desired productivity. But imagine, if you will, what it would mean if the Department of Defense became enmeshed in similar debates and therefore provided adequate diets for just 16 percent of the men in every military unit. In fact, in fiscal year 1970, DOD plans to expend nearly $4 billion to feed 3.5 million servicemen, an annual cost of considerably over $1,100 per person. This compares with the administration budget for food assistance for the poor, which would allegedly service 16 million poor people, at a cost of $1.226 billion, or an annual rate of $77 per person. That ratio of nearly 15 to 1 in favor of the armed services can only make the poor firmly convinced that their government is not fighting the real enemy.

It is interesting to note that DOD does not question whether there is a provable relationship between good nutrition and desired productivity before acting on its own food program.

I believe that is the message for each one of us—we in the Congress must not continue to question whether there is a provable relationship between good nutrition and desired productivity before acting on a program to feed our Nation's poor.

I shall vote for the authorization to extend the present food stamp act only because I believe this meager assistance is an emergency program that must continue until total reforms can be made to the food stamp program. Senate Joint Resolution 126 is at least a step, and for this reason I support the measure before us. We must, however, go much further and go further soon.

THE CALENDAR

Mr. MANSFIELD. Mr. President, in view of the fact that a Senator who wishes to be heard on the pending business is on his way to the Chamber, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of certain unobjected to items on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator

from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 123, 255, and 256, in that order.

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

APPOINTMENT OF ROBERT STRANGE McNAMARA AS CITIZEN REGENT OF THE BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 11) to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of Robert Strange McNamara for the statutory term of six years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–134), explaining the purposes of the joint resolution.

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

Senate Joint Resolution 11 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the death of Robert Vedder Fleming, of Washington, D.C., be filled by the appointment of Robert Strange McNamara for the statutory term of 6 years.

The Board of Regents, pursuant to 20 United States Code 42, is composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and six other persons other than Members of Congress. The six Citizen Regents, two of whom shall be residents of the District of Columbia and four of whom shall be inhabitants of some State (but no two of the same State), are appointed by joint resolution of Congress and serve 6-year terms.

UPPER NIOBRARA RIVER COMPACT

The bill (S. 38) to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the upper Niobrara River compact between the States of Wyoming and Nebraska. Such compact reads as follows:

"UPPER NIOBRARA RIVER COMPACT

"The State of Wyoming, and the State of Nebraska, parties signatory to this compact (hereinafter referred to as Wyoming and Nebraska, respectively, or individually as a 'State', or collectively as 'States'), having resolved to conclude a compact with respect to the use of waters of the Niobrara River Basin, and being duly authorized by Act of Congress of the United States of America, approved August 5, 1953 (Public Law 191, 83rd Congress, 1st Session, Chapter 324, 67 Stat. 365) and the Act of May 29, 1958 (Public Law 85–427, 85th Congress, S. 2557, 72 Stat. 147) and the Act of August 30, 1961 (Public Law 87–181, 87th Congress, S. 2245, 75 Stat. 412) and pursuant to the Acts of their respective Legislatures have, through their respective Governors, appointed as their Commissioners: For Wyoming, Earl Lloyd, Andrew McMaster, Richard Pfister, John Christian, Eugene P. Willson, H. T. Person, Norman B. Gray, E. J. Van Camp: For Nebraska, Dan S. Jones, Jr., who after negotiations participated in by W. E. Blomgren appointed by the President of the United States of America, have agreed upon the following articles:

"ARTICLE I.

"A. The major purposes of this compact are to provide for an equitable division or apportionment of the available surface water supply of the Upper Niobrara River Basin between the States; to provide for obtaining information on groundwater and underground water flow necessary for apportioning the underground flow by supplement to this compact; to remove all causes, present and future which might lead to controversies; and to promote interstate comity.

"B. The physical and other conditions peculiar to the Upper Niobrara River Basin constitute the basis for this compact; and neither of the States hereby concedes that this compact establishes any general principle or precedent with respect to any other interstate stream.

"C. Either State and all others, using claiming or in any other manner asserting any right to the use of the waters of the Niobrara River Basin under the authority of that State, shall be subject to the terms of this compact.

"ARTICLE II.

"A. The term 'Upper Niobrara River' shall mean and include the Niobrara River and its tributaries in Nebraska and Wyoming west of Range 55 West of the 6th P.M.

"B. The term 'Upper Niobrara River Basin' or the term 'Basin' shall mean that area in Wyoming and Nebraska which is naturally drained by the Niobrara River west of Range 55 West of the 6th P.M.

"C. Where the name of a State or the term 'State' or 'States' is used, they shall be construed to include any person or entity of any nature whatsoever using, claiming, or in any manner asserting any right to the use of the waters of the Niobrara River under the authority of that State.

"ARTICLE III.

"It shall be the duty of the two States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

"The States agree that the United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, may collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of information necessary for the proper administration of this compact.

"ARTICLE IV.

"Each State shall itself or in conjunction with other responsible agencies cause to be established, maintained, and operated such suitable water gaging stations as are found necessary to administer this compact.

"ARTICLE V.

"A. Wyoming and Nebraska agree that the division of surface waters of the Upper Niobrara River shall be in accordance with the following provisions.

"1. There shall be no restrictions on the use of the surface waters of the Upper Niobrara River by Wyoming except as would be imposed under Wyoming law and the following limitations:

"(a) No reservoir constructed after August 1, 1957, and used solely for domestic and stock water purposes shall exceed 20 acre-feet in capacity.

"(b) Storage reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West of the 6th P.M. and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, Range 60 West of the 6th P.M. shall not store in any water year (October 1 of one year to September 30 of the next year) more than a total of 500 acre-feet of water.

"(c) Storage in reservoirs with priority dates prior to August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to June 1 of the next year and at such times during the period June 1 to September 30 that the water is not required to meet the legal requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West. Where water is pumped from such storage reservoirs, the quantity of storage water pumped or otherwise diverted for irrigation purposes or other beneficial purposes from any such reservoir in any water year shall be limited to the capacity of such reservoir as shown by the records of the Wyoming State Engineers' Office, unless additional storage water becomes available during the period June 1 to September 30 after meeting the legal diversion requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West.

"(d) Storage in reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to May 1 of the next year and at such times during the period May 1 and September 30 that the water is not required for direct diversion by ditches in Wyoming and in Nebraska west of Range 55 West.

"(e) Direct flow rights with priority dates after August 1, 1957, on the main stem of the Niobrara River east of Range 62 West and Van Tassel Creek south of Section 27, Township 32 North, shall be regulated on priority basis with Nebraska rights west of Range 55 West, provided, that any direct flow rights for a maximum of 143 acres which may be granted by the Wyoming State Engineer with a priority date not later than July 1, 1961, for lands which had Territorial Rights under the Van Tassel No. 4 Ditch with a priority date of April 8, 1882, and the Van Tassel No. 5 Ditch with a priority date of April 18, 1882, shall be exempt from the provisions of this subsection (e).

"(f) All direct flow diversions from the main stem of the Niobrara River east of Range 62 West and from Van Tassel Creek south of Section 27, Township 32 North shall at all times be limited to their diversion rates as specified by Wyoming law, and provided that Wyoming laws relating to diversion of 'Surplus Water' (Wyoming Statutes, 1957, Sections 41–181 to 41–188 inclusive) shall apply only when the water flowing in the main channel of the Niobrara River west of Range

55 West is in excess of the legal diversion requirements of Nebraska ditches having priority dates before August 1, 1957.

"ARTICLE VI.

"A. Nebraska and Wyoming recognize that the future use of ground water for irrigation in the Niobrara River Basin may be a factor in the depletion of the surface flows of the Niobrara River, and since the data now available are inadequate to make a determination in regard to this matter, any apportionment of the ground water of the Niobrara River Basin should be delayed until such time as adequate data on ground water of the basin are available.

"B. To obtain data on ground water, Nebraska and Wyoming, with the cooperation and advice of the United States Geological Survey, Ground Water Branch, shall undertake ground water investigations in the Niobrara River Basin in the area of the Wyoming-Nebraska State line. The investigations shall be such as are agreed to by the State Engineer of Wyoming and the Director of Water Resources of Nebraska, and may include such observation wells as the said two officials agree are essential for the investigations. Costs of the investigations may be financed under the cooperative ground water programs between the United States Geological Survey and the States, and the States' share of the costs shall be borne equally by the two States.

"C. The ground water investigations shall begin within one year after the effective date of this compact. Upon collection of not more than twelve months of ground water data Nebraska and Wyoming with the cooperation of the United States Geological Survey, shall make, or cause to be made, an analysis of such data to determine the desirability or necessity of apportioning the ground water by supplement to this compact. If upon completion of the initial analysis, it is determined that apportionment of the ground water is not then desirable or necessary, reanalysis shall be made at not to exceed two-year intervals, using all data collected until such apportionment is made.

"D. When the results of the ground water investigations indicate that apportionment of ground water of the Niobrara River Basin is desirable, the two States shall proceed to negotiate a supplemental to this compact apportioning the ground water of the Basin.

"E. Any proposed supplement to this compact apportioning the ground water shall not become effective until ratified by the legislatures of the two States and approved by the Congress of the United States.

"ARTICLE VII.

"The provisions of this compact shall remain in full force and effect until amended by action of the Legislatures of the Signatory States and until such amendment is consented to and approved by the Congress of the United States in the same manner as this compact is required to be ratified and consented to in order to become effective.

"ARTICLE VIII.

"Nothing in this compact shall be construed to limit or prevent either State from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

"ARTICLE IX.

"Nothing in this compact shall be deemed:

"A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Upper Niobrara River Basin nor its capacity to acquire rights in and to the use of said waters; provided that, any beneficial uses of the waters allocated by this compact hereafter made within a State by the United States, or those acting by or under its authority, shall be taken into account in determining the extent of use within that State.

"B. To subject any property of the United States, its agencies, or instrumentalities, to taxation by either State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payment to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes.

"C. To subject any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the compact.

"D. To affect the obligations of the United States of America to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes which is subject to the jurisdiction of the United States.

"ARTICLE X.

"Should a court of competent jurisdiction hold any part of this compact contrary to the constitution of any State or of the United States, all other severable provisions shall continue in full force and effect.

"ARTICLE XI.

"This compact shall become effective when ratified by the Legislatures of each of the signatory States and by the Congress of the United States.

"IN WITNESS WHEREOF, the Commissioners have signed this compact in triplicate original, one of which shall be filed in the archives of the United States of America and shall be deemed the authoritative original, and one copy of which shall be forwarded to the Governor of each of the signatory States.

"Done at the city of Cheyenne, in the State of Wyoming, this 26th day of October, in the year of our Lord, One Thousand and Nine Hundred Sixty Two.

Commissioner for the State of Nebraska
s/Dan S. Jones, Jr.
Commissioners for the State of Wyoming
s/Earl Lloyd
s/Andrew McMaster
s/Richard Pfister
s/John Christian
s/Eugene P. Wilson
s/H. T. Person
s/Norman B. Gray
s/E. J. Van Camp

"I have participated in the negotiation of this compact and intend to report favorably thereon to the Congress of the United States.

s/W. E. Blomgren
Representative of the United States of America".

SEC. 2. The right to alter, amend, or repeal this Act is reserved.

SEC. 3. Nothing in this Act shall be deemed to impair or affect any rights or powers of the United States, its agencies, instrumentalities, permittees, or licensees in, over, and to the use of the waters of the Upper Niobrara River Basin; nor to impair or affect their capacity to acquire rights in and to the use of said waters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–265), explaining the purposes of the bill.

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

PURPOSE OF THE MEASURE

The purpose of this measure, which was introduced by Senator Hansen for himself and Senators Curtis, Hruska, and McGee, is to provide congressional consent to the upper Niobrara River compact between the States of Wyoming and Nebraska. The upper Niobrara River compact provides an equitable division or apportionment between the States of the available surface water supply of the Upper Niobrara River Basin and to provide for studies of the subsurface water supplies of the basin.

BACKGROUND

Consent of the Congress to the negotiation of the compact was granted by the act of August 5, 1953 (67 Stat. 365, as amended). A representative of the United States participated in the negotiations. The compact has been ratified by the State legislatures.

A bill similar to the present bill passed the Senate in 1966 (S. 553, 89th Cong., second sess.) but was not acted upon in the House of Representatives. Reports have been received from the Departments of Justice and the Interior and from the Bureau of the Budget expressing no objection to the enactment of S. 38.

PRESENT LEGISLATION

Section 1 of the bill grants the consent of the Congress to the compact. The compact provides for the division between the States of Wyoming and Nebraska of the waters of the Upper Niobrara River. The Upper Niobrara River is defined in the compact to mean the Niobrara River and its tributaries in Nebraska and Wyoming west of R. 55 W. of the sixth principal meridian.

The compact further provides for cooperative investigations of the ground water resources of the basin as a basis for negotiating a supplemental compact apportioning ground water.

Section 2 of the bill reserves to the Congress the right to alter, amend, or repeal the act.

Section 3 of the bill protects the rights and powers of the United States, its agencies, instrumentalities, permittees, or licensees regarding the waters of the Upper Niobrara River.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 38 be enacted.

Mr. McGEE. Mr. President, I note with satisfaction that the Senate has today given its approval to the Upper Niobrara River compact between Wyoming and Nebraska. By passing this bill, we have granted consent, if the House acts as well, to the compact dividing the available project waters supply of the Upper Niobrara River Basin between my own State and our good neighbors to the east. Congressional assent to this compact is, if anything, overdue, and I am pleased we have moved today to approve the pact.

AMENDMENT OF THE ACT OF NOVEMBER 9, 1966

The Senate proceeded to consider the bill (H.R. 4297) to amend the act of November 8, 1966, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 9, after the word "of" to strike out "$850,000'." and insert "$850,000', and adding at the end thereof a new sentence as follows: 'Authority is hereby granted for appropriated money to remain available until expended.'"

The amendment was agreed to.

The amendments were 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. 91-266), explaining the purposes of the bill.

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

EXPLANATION OF AMENDMENT

The purpose of the amendment is to authorize the Commission to carry over any funds not expended in 1970 into 1971.

PURPOSE OF THE BILL, AS AMENDED

The purpose of the bill, as amended, is (1) to extend to November 8, 1970, a period of 1 year, the time within which the Commission shall submit its final report; (2) increase the amount authorized to be appropriated for carrying out the provisions of the act by $350,000—an increase from $500,000 to $850,000; and (3) authorize the Commission to carry over any funds not expended in 1970 into 1971.

STATEMENT

The aim of the act of November 8, 1966, was to establish a National Commission on Reform of Federal Criminal Laws, which would make a full and complete review and study of the statutory and case law constituting the Federal system of criminal justice and would make recommendations for revisions, reform, and recodification of the criminal laws of the United States, including the repeal of unnecessary and undesirable statutes and appropriate changes in the penalty structure.

Section 8 of the act of November 8, 1966, requires the Commission to submit a final report to the President and the Congress within 3 years of the date of enactment, and provides that the Commission shall cease to exist 60 days after submission of the final report. Section 10 authorizes $500,000 to carry out the provisions of the act. H.R. 4297 would extend the time for submission of the final report from 3 to 4 years, would increase the authorized funds from $500,000 to $850,000, and authorize the Commission to carry over any funds not expended in 1970 into 1971.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 126, a joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

EXTENSION OF THE 10-PERCENT SURTAX

Mr. METCALF. Mr. President, yesterday I stated my opposition to any extension of the 10-percent surtax without tax reform and expressed my intention to debate this subject at some length at the appropriate time.

Back in April of this year, President Nixon told the Congress, and I quote:

Reform of our Federal tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden.

This Administration, working with the Congress, is determined to bring equity to the Federal tax system.

No one can take issue with that statement. The President then went on to say that he was "directing the Secretary of the Treasury to thoroughly review the entire Federal tax system" and present to him "recommendations for basic changes, along with a full analysis of the impact of those changes, no later than November 30, 1969."

Now I do take issue with the fact that we are expected to take action now to extend the surtax for a full year until at the same time we are asked to wait until next year before taking any meaningful action with respect to tax reform. Such a request completely ignores the existence of a 2-year study into this same problem, together with specific proposals that would bring equity into our tax laws. The study to which I refer is the one that was conducted during the last 2 years of the Johnson administration. It was that study that served as the course outline for 28 days of hearings conducted by the House Committee on Ways and Means earlier this session.

On May 27 the Ways and Means Committee announced the first set of tentative decisions it had reached on the subject of tax reform since it had gone into executive markup of a tax reform bill. If things are being done over there the same way as when I was a member of that committee, then members of the Treasury's team are working right alongside members of the committee in executive session. I see no reason why bill language cannot be made available to the Congress now. I see no reason why we should be expected to act upon the surtax without having a tax reform package to consider right along with it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

FISCAL 1970 FOOD STAMP AUTHORIZATION

The Senate resumed the consideration of Senate Joint Resolution 126, to increase the appropriation for the food stamp program for fiscal 1970 to $750 million.

Mr. JAVITS. Mr. President, I express my appreciation to the leadership and to the senior Senator from Louisiana (Mr. ELLENDER) for being kind enough to wait so that I might say a word about the $750 million emergency authorization for the food stamp program for fiscal year 1970.

As the ranking minority member of the Select Committee on Nutrition and Human Needs, I join with the Senator from South Dakota (Mr. MCGOVERN), chairman of the select committee in approving the emergency action taken by the Agriculture Committee, of which the Senator from Louisiana is the chairman.

I think that a word needs to be said also concerning the hearings which our select committee has carried on in various parts of the country. I believe that these hearings have so markedly brought to public attention what so many Americans can hardly believe to be credible, a situation which seems to be so heavily substantiated by the fact that we do have a far greater number of cases of malnutrition which can properly be labeled hunger than any American ever thought likely or possible in our country.

I feel, therefore, that the work which has been done by the select committee in this regard has been very valuable. I am very pleased and gratified to express my appreciation to the Senator from Louisiana (Mr. ELLENDER) and to the Senator from North Dakota (Mr. YOUNG) because the committee has responded so very promptly on the monetary level.

The real problem we face is a problem of outreach and participation which seem to be very much needed. I do not say that, in any sense, to blame anyone. I say it merely to point out the difficulty that exists even in my State of New York, which one would expect to be very enlightened on this score. The average county with a food stamp program there serves only an estimated 13 percent, although it could and should benefit all.

Governor Rockefeller has just signed legislation in New York that is designed to provide statewide programs that will reach out to those who should be covered by the food programs.

One finds the situation in all parts of the country. I first encountered an interesting situation which may be of some concern to my colleagues. During the course of the hearings held by the Subcommittee on Permanent Investigations of the Committee on Government Operations involving the Black Panther Party in California, especially in the bay area around San Francisco, it developed that one of the very big attractions responsible for bringing attention and people to the Black Panther Party was that it serves hot breakfasts to children.

No one looked into the matter. The policy authorities did not look into the matter of whether there was a hot breakfast program in Oakland or San Francisco.

That is a very interesting situation and shows what food may mean from a totally different point of view than we have been discussing in the realm of poverty.

The other point which I wish to make in supporting the resolution, together with the Senator from South Dakota (Mr. MCGOVERN), the chairman of our select committee, has to do with expressing deep interest in the work of the Agriculture Committee which, is working now in executive session on improving the food stamp program. I urge the committee to consider reforming the food stamp program to deal with national eligibility standards so as to make allowances for differences in the cost of living and in living standards in different parts of the country. Also, I urge that the committee consider taking into account the realities of the problems of the poor and whether the income levels below which people might be eligible for free stamps, like the one fixed by Secretary Hardin at $30 a month, are really humanistic in impact—after all, that is what the program is all about—and commensurate with geographic differences in living costs and standards.

Also, I hope that the committee will consider and deal with the possibility of authorizing the simultaneous operation of the food stamp and commodity distribution programs in some counties, which is excluded by present law; and to deal with the problem of maximum drain upon the income of an individual with respect to what he can afford to pay for food stamps. We found instances in our investigations in which the amount required to be paid for food stamps, small as it is, was nevertheless a great proportion of the income of the individual. This prevented him from getting his health care, or intruded upon the payments of rent for the modest amount of housing which he could afford. In other words, the expense became such a major dent in the very small income of the individual as to make him perhaps not indigent in respect to food, because he was getting food help, but indigent with respect to everything else. I know that the committee will consider these matters.

I take great pride in the knowledge that both the Senator from Louisiana (Mr. ELLENDER) and the Senator from South Dakota (Mr. MCGOVERN) are members of the Committee on Agriculture and Forestry. I assure Senator ELLENDER that I shall do my utmost, as the ranking member of the minority, of the Select Committee on Nutritional Human Needs, to correlate, coordinate, and cooperate as intensively as I can in dealing with the major findings which are beginning to emerge from our work, to which I note with deep satisfaction, the Agriculture Committee has given its ears, as is reflected by the joint resolution.

I favor the joint resolution and hope that it will be passed promptly by the Senate.

Mr. COOK. Mr. President, I wish to take just a moment to commend the senior Senator from Louisiana for his promptness in reporting the joint resolution to the Senate. We discussed this subject last Thursday.

I think it was his insight that resulted in the increase in funds to $750 million. It was through his efforts and his prodding that the committee overwhelmingly agreed to the increase. I feel certain that his leadership will bring about a logical compromise between the House and the Senate on the measure.

I think the Senator from Louisiana knows, as well as every member of the committee knows, that in this entire field it is not only the money that is important; it is the rules and regulations that are promulgated by the committee, as well. The standards that we set are important. To that extent, I wish to lend my support to the joint resolution and again commend the senior Senator from Louisiana for the promptness of his action.

Mr. SPONG. Mr. President, I am pleased to support Senate Joint Resolution 126.

Overcoming the hunger and malnutrition problems which exist in our Nation requires a multipronged attack. It requires making food available to those who do not have the resources to obtain it; it requires educating those who have limited funds to use them wisely; and it requires educating many persons, those with limited incomes and those with greater resources, in proper nutrition and eating habits. In addition, it requires a number of related activities, including improved education in general, family planning services and job training.

Senate Joint Resolution 126 would substantially assist in meeting one of these requirements—in making food available to those who do not have the resources to obtain it. It would increase from $340 to $750 million the authorization for the food stamp program in fiscal 1970. It would permit the fiscal 1970 appropriation for food stamps to be more than double the fiscal 1969 appropriation of $258.6 million.

The increase in funds will, however, be truly helpful only if it operates in conjunction with a reformed food assistance program which will make food more accessible and more available to those who need it. I am, consequently, hopeful that the anticipated authorization bill to reform the food stamp program will soon be reported from the Senate Agriculture and Forestry Committee and debated in the Senate.

I am somewhat concerned over Secretary of Agriculture Hardin's testimony before the Senate Agriculture and Forestry Committee on May 27, 1969, to the effect that most of the new funds would be used to improve existing food stamp programs. Certainly we need to improve existing programs, but when more than 400 localities in our Nation do not have food assistance programs; that is, when families in more than 400 cities and counties do not have access to either the food stamps or free commodities, then these areas deserve special consideration. I hope, consequently, that more of the additional funds authorized, if appropriated, will be used to encourage the expansion of programs into those areas where they do not currently exist.

We have had evidence of hunger and malnutrition presented by many sources in many areas of our States and Nation. Hopefully, Senate Joint Resolution 126, the upcoming bill to reform the food stamp program and the fiscal 1970 appropriations for food assistance and nutrition education will contribute significantly to overcoming existing problems.

Mr. YARBOROUGH. Mr. President, I believe that S. 2014, the Food Stamp Reform Act of 1969, is one of the most vital measures before the Congress today.

It has been my privilege to serve on the Select Committee on Nutrition and Human Needs since its creation. This committee, under the able leadership of the distinguished Senator from South Dakota (Senator MCGOVERN) has studied the problem of hunger in this country. We have uncovered evidence that massive malnutrition and hunger exist in parts of the Nation. In a land as prosperous as this one is, that situation is unacceptable.

In my home State of Texas, the preliminary results of a study by Dr. William McGanity of the University of Texas Medical School at Galveston show severe conditions of hunger there. They found that 5½ percent of the people surveyed had goiter which is caused by a lack of iodine. As a rule, most people get sufficient amounts of iodine from salt. But, in 10 of the 26 counties surveyed, there was no grocery selling iodized salt.

The survey found that 1 in 14, of the individuals under 10 years of age, had a serious dental problem. It was also found that 8 percent of the total population examined in Texas suffered from anemia. Two children were found who showed advanced signs of starvation. Also, the researchers found children with bow legs, rickets, and enlarged wrists—all of which are caused by a lack of vitamin D which comes from milk. They also found gum sores which are caused by vitamin C deficiency. Vitamin C is normally obtained from citrus fruits and tomatoes.

The problem of malnutrition is tragic and is most tragic in the young. The select committee received testimony that permanent brain damage can result if children do not receive proper nourishment.

The food stamp program offers one solution to the problem of malnutrition. But, during the years that this program has been in operation, it has become apparent that there are several deficiencies in this program.

In Texas, the major problem has been that few counties have a food stamp program. Under the present law, the county government must request that food stamps be distributed in the county. In Texas, 10 counties have made such a request. These counties are Bexar, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Tarrant, and Terrell. In March of this year, the most recent month for which we have data, only 39,180 people benefited from this program

The Food Stamp Reform Act (S. 2014) would eliminate this situation. The counties would be given strong incentives to initiate food stamp programs. If they still cannot do so, then a program could be started through a private agency or some other governmental unit. The important thing is that the inability of one local governmental agency to institute a food stamp program would no longer constitute a barrier to the distribution of food stamps to those who need them and are entitled to receive them.

Two other provisions of this bill would certainly have beneficial effects in Texas. First, stamps would be made available at a price which people could afford. At the present time, this is not the case, so even in the 10 counties in Texas which do have food stamp programs, the cost of the stamps is often too great for many people to bear. This may be one factor in the low rate of participation in the food stamp program in those counties which have such a program. At any rate, it is a barrier to the efficient operation of the Food Stamp Act and one which should be removed.

Also, in Texas, many poor people live in rural areas and are thus not able to obtain food stamps easily. Under the provision of this bill, stamps could be issued by mail or through food stores or post

offices. This would make obtaining the stamps considerably less of a difficulty for many people in my State.

The saddest thing about all this is that this situation exists all over the Nation. The Select Committee on Nutrition and Human Needs has revealed in its investigations of the problem of hunger that it is a national problem. The conditions of which I spoke exists in all 50 States, not just in Texas. And the food stamp program as it is now structured has the same shortcomings and the same weaknesses in the other 49 States that it has in Texas. Too few counties across the Nation have food stamp distribution programs. Too few people are being fed. The stamps are not being provided at prices which many people who need them can afford. The process for obtaining them is so difficult that many people who need them are not getting them. And this is happening all over the country, not just in Texas. I feel that this bill should be enacted to remedy this problem all over the country, not just in Texas.

As I told my constituents in February of this year, "It is within our power to banish hunger and malnutrition from our land; we have a responsibility to exercise that power. Our unparalleled agricultural abundance must be shared with all our people here at home—no American should be malnourished."

I think that the food stamp program could be a useful means to this end. Unfortunately, this program is not now operating as it should. I think that the reforms provided for in this bill are necessary if this program is to achieve its full potential for effectiveness. I give it my unqualified support.

Mr. President, I ask unanimous consent that tables showing the March, 1969, participation in the food stamp program in Texas and the March 1969 participation in all food distribution programs in my State be added at this point in the RECORD.

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

[Number of persons]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS		
Anderson	802	
Angelina	621	
Atascosa	1,878	
Austin	642	
Bastrop	1,687	
Bee	335	
Bexar		22,616
Brewster		229
Brooks	2,400	
Brown	1,252	
Burleson	1,972	
Caldwell	1,451	
Callahan	338	
Cameron	9,172	
Camp	916	
Carson	52	
Cass	2,221	
Cherokee	1,917	
Childress	265	
Cochran	246	
Coke	96	
Comanche	848	
Cooke	847	
Cottle	[1] 571	
Crosby	224	
Culberson		140
Dallam	113	
Dallas	19,090	
Dawson	811	
Delta	649	
De Witt	1,803	
Dickens	489	
Dimmit	1,471	
Duval	3,299	
Eastland	1,106	
El Paso		8,335
Falls	2,343	
Fannin	3,009	
Fayette	1,313	
Fisher	361	
Floyd	424	
Foard	192	
Franklin	451	
Freestone	1,536	
Frio	1,681	
Galveston	3,253	
Goliad	1,028	
Gonzales	1,968	
Grimes	2,020	
Grayson		
Denison (city)	286	
Guadalupe	940	
Hale	1,461	
Hamilton	273	
Hardeman	483	
Hardin	1,592	
Harris	25,038	
Haskell	830	
Hays	1,397	
Hemphill	69	
Henderson	963	
Hidalgo	11,217	
Hill	1,895	
Hockley	689	
Houston	2,367	
Howard	707	
Hudspeth		160
Hutchison	825	
Irion	92	
Jackson	386	
Jasper	1,927	
Jeff Davis		106
Jefferson	4,046	
Jim Hogg	1,657	
Jim Wells	3,374	
Jones	1,298	
Karnes	3,047	
Kent	99	
King	dd	
Kinney	505	
Kleberg	1,922	
Knox	532	
Lamb	638	
La Salle	1,513	
Lavaca	1,406	
Lee	1,093	
Leon	1,938	
Liberty	1,771	
Limestone	2,086	
Lipscomb	38	
Live Oak	1,375	
Lubbock	2,132	
McLennan	2,625	
Madison	1,077	
Marion	1,600	
Martin	72	
Matagorda	1,861	
Maverick	3,072	
Medina	1,239	
Milam	2,289	
Montague	976	
Moore	55	
Morris	879	
Motely	292	
Nacogdoches	2,107	
Newton	1,396	
Nolan	831	
Nueces	4,516	
Orange	1,302	
Panola	1,506	
Pecos		292
Polk	1,471	
Potter	1,348	
Presidio		723
Rains	370	
Real	409	
Red River		[2]
Robertson	3,757	
Sabine	442	
San Augustine	965	
San Jacinto	1,636	
San Patricio	4,600	
Scurry	764	
Shelby	1,003	
Smith	797	
Starr	6,430	
Stonewall	194	
Swisher	543	
Tarrant		6,513
Terrell		66
Terry	235	
Titus	1,114	
Tom Green	2,136	
Travis	9,943	
Trinity	1,085	
Tyler	834	
Upshur	1,779	
Upton	204	
Val Verde		
Del Rio (City)	1,906	
Walker	1,847	
Waller	1,242	
Ward	747	
Washington	2,542	
Webb	10,705	
Wilbarger	813	
Willacy	3,477	
Williamson	1,820	
Wilson	1,010	
Zapata	1,351	
Zavala	1,709	
Texas total	262,074	39,180

[1] King County included with Cottle County.
[2] Red River County discontinued program as of September 30, 1968.

FOOD STAMP, MARCH 1969

Project area	Participation: P. A.	Non-P. A. number persons	Total	Monthly change (percent)	Coupons: Total value	Bonus value	Bonus total (percent)	Average bonus per person	Fiscal year date: Total coupons	Bonus coupons
Texas (10):										
Bexar	9,673	12,943	22,616	10	$338,848	$191,929	57	$8.49	$2,482,711	$1,367,009
Brewster	66	163	229	−7	3,890	1,657	43	7.24	32,585	13,839
Culberson	37	103	140	17	1,789	868	49	6.20	16,722	7,881
El Paso	2,860	5,475	8,335	5	123,704	68,867	56	8.26	998,684	528,828
Hudspeth	12	148	160	9	2,332	1,136	49	7.10	20,188	9,947
Jeff Davis	37	69	106	29	1,803	738	41	6.96	11,665	4,652
Pecos	24	268	292	−8	4,506	2,281	51	7.81	42,871	22,374
Presidio	113	610	723	8	10,180	5,598	55	7.74	86,839	43,555
Red River	[2]	[2]	[2]		[2]	[2]			48,259	19,227
Tarrant	3,304	3,209	6,513		110,125	46,838	42	7.19	963,151	400,447
Terrell	1	65	66	16	1,230	448	36	6.79	11,359	4,130
Total	16,127	23,053	39,180	7	598,407	320,360	54	8.18	4,715,034	2,421,889

[2] Red River County discontinued program as of Sept. 30, 1968.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 126) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 126

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(a) of the Food Stamp Act of 1964 is amended by striking "$340,000,000" and inserting "$750,000,000".

Mr. ELLENDER. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Otto F. Otepka, of Maryland.

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

SUBVERSIVE ACTIVITIES CONTROL BOARD

The PRESIDING OFFICER. The clerk will state the nomination to the Subversive Activities Control Board.

The bill clerk read the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board.

Mr. YOUNG of Ohio obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield without losing his right to the floor?

Mr. YOUNG of Ohio. I yield for that purpose.

Mr. MANSFIELD. 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.

Mr. YOUNG of Ohio. Mr. President, I move to recommit the nomination of Otto F. Otepka, and on the motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YOUNG of Ohio. Mr. President, President Nixon's appointment of Otto F. Otepka to a $36,000 a year post on the Subversive Activities Control Board was an outlandish piece of political expediency. Let us hope that it does not signal a return to that era of pointless suspicion, fear, character assassination, and ruined careers that marked the so-called McCarthyism of the 1950's.

When asked about the President's decision to nominate Otepka, the White House press secretary stated:

I think the appointment speaks for itself.

It certainly does and with revolting eloquence. The question involved has little to do with national security, subversion, or anything of that nature. What is involved is an official of the executive branch sneaking information, which he was forbidden to disclose to anyone, to representatives of the legislative branch. Otepka was chief of security evaluations in the State Department. In 1963 Secretary of State Dean Rusk removed him from this post for giving confidential security files to the Senate Internal Security Subcommittee without permission. No administrator with any self-respect could permit such disloyalty, and Secretary Rusk was correct in removing this witch-hunter from his position. Even Secretary of State Rogers refused to restore the disloyal Otepka to the post from which he has been ousted.

Furthermore, it has been revealed that a fund raised by groups with close ties to the lunatic rightwing splinter group, the John Birch Society, so-called, paid approximately 80 percent of the $26,135 in legal expenses incurred by Otepka in his 4-year fight to win reinstatement as chief security evaluator in the State Department. During that period Otepka made numerous speeches at meetings of extreme rightwing gatherings. While he has denied any formal or informal connections with the John Birch Society or the Liberty Lobby, so-called, the fact is that he has attended rallies organized by Birch Society leaders. At least on one occasion he was formally introduced by a member of the Birch National Council. Furthermore, this rally was headed by Clarence Manion, a member of the national council of the "Birchsaps." When questioned about this by a reporter for the New York Times, Otepka said:

I am not going to discuss the ideological orientation of anyone I am associated with.

In his account of this incident to the subcommittee considering his nomination, Otepka offered the weak excuse that he felt he was being baited into making statements that could be used against him.

It has been established beyond any possible doubt that the Liberty Lobby, headed by Willis Carto whose Fascist inclinations and associations have been well documented, was one of his stanchest champions. That neo-Nazi lunatic group produced and distributed a film entitled "The Otepka Case" and its pamphlets consistently defended Otepka and attacked his critics.

Mr. President, it is interesting to note that J. G. Sourwine, chief counsel for the Senate Internal Security Subcommittee and one of the staff members who helped write the Judiciary Committee report praising Otepka, was the person through whom Otepka leaked the State Department documents when both were trying to smear Walt Rostow, the Kennedy-Johnson national security adviser, as a security risk. Now, I take a dim view of a man like Otepka, who seeks to play God with other people's patriotism.

Obviously, Sourwine has a personal interest in having Otepka confirmed by the Senate. Although the committee report seeks to disassociate Otepka from any formal or informal connections with the John Birch Society or the Liberty Lobby, Sourwine certainly was aware of the activity of these lunatic rightwing organizations in behalf of Otepka. He knew or should have known that Otepka has called the Liberty Lobby "a reputable organization—patriotic," and Willis Carto, the neo-Nazi who runs it, a defender of "the fine traditions of American life." Furthermore, Sourwine himself when interviewed by Joe Trento of World Wide Features, not only expressed his high regard for Liberty Lobby, but went further saying:

Liberty Lobby often requests information about individuals and issues . . . I do not hesitate to supply anything this dedicated group requests.

Yet this "dedicated group" brazenly distributes "Imperium," the Mein Kampf of American nazism.

Mr. President, in the memorandum from J. G. Sourwine to the chairman of the Committee on the Judiciary, reprinted in part 2 of the hearings on the Otto Otepka nomination, it is stated that over $21,000 of the $26,135 for legal expenses incurred for Otepka's defense was raised by the American Defense Fund organized in 1964 by James M. Stewart of Palatine, Ill. The memorandum goes on to state:

The American Defense Fund has no connection of any kind with the John Birch Society . . . according to Mr. Stewart.

The fact is that after careful research and inquiry to try to determine the names of the sponsors or directors of the American Defense Fund, I have been unable to determine any but Mr. Stewart himself. It is obvious that this is a one-man paper organization dedicated solely to exonerating Otto Otepka.

Mr. President, it has been reported to me that on June 16, 1969, 8 days ago, this same James Stewart attended a fundraising party at the home of Julius W. Butler in Oakbrook, Ill., a Chicago suburb. This is the same Julius Butler who is an admitted fundraiser for the John Birch Society and active in several John Birch front organizations. He also is a sponsor of a New England Rally for God, Family, and Country held annually near Boston, which Otto Otepka attended last year. The guests at Mr. Butler's home last week included Robert Welch, founder and head of the John Birch Society, who spoke at length spewing forth the usual John Birch lunatic obsessions. Mr. and Mrs. James Stewart, I am told, were in charge of the refreshments that were served at the meeting and were introduced to the crowd and received applause.

This is the same James Stewart who stated to J. G. Sourwine that the American Defense Fund, which is James Stewart and him only, had no connection of any kind with the John Birch Society.

Surely, Mr. President, an investigator as trained and experienced as the counsel for the Senate Internal Security Subcommittee is said to be, should on his own have questioned Mr. Stewart's statement and delved further. Julius Butler, at whose home Stewart recently attended a Birch Society rally, admitted in a telephone conversation with a reporter from

the New York Times that Otto Otepka had spoken to groups "of 15 to 20 or 30 or 40 people" at his home over the last several years. "He comes here whenever he comes to Chicago," said Butler. The New York Times also reported Mr. Butler said that in addition to his explaining his dispute with the State Department, Mr. Otepka also talks about treason in high places in Washington "and all the horrible things that are taking place."

Those Birchsaps, or Sons of Birches, as the former assistant minority leader, Tom Kuchel, of California, used to term them, are seeking to play God with other people's patriotism. They claim there are Communists in the State Department, on the faculties of our universities, and in the clergy. Of course, they could not name one.

Mr. President, as a free American, Otto Otepka has the right to join or associate with the John Birch Society or any other organization. He has violated no laws in accepting money from Birchites or Sons of Birches to use the terminology of our friend, Senator Thomas Kuchel, or other lunatic rightwing sources to meet legal costs of his unsuccessful fight for reinstatement as chief security evaluator of the State Department. However, I question whether a man with such a record—a man who unhesitatingly accepted more than $22,000 from these groups—should be confirmed for a post in which he will judge the loyalty of American citizens and organizations.

Of course, he reported to the subcommittee that he would "resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

His past record clearly belies this. In my view, any man who has accepted support from the John Birch Society, the Liberty Lobby, and organizations of that ilk has a warped concept of Americanism, has no place on the public payroll and certainly not in a position in which he will be called upon to judge the loyalty of other Americans.

Mr. President, on May 16, 1969, there appeared an excellent article on the Otepka nomination in the Washington Post entitled "Security Pooh-Bah." I ask unanimous consent to have it printed in the RECORD.

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

SECURITY POOH-BAH

Otto Otepka's long and unfaithful service to the State Department certainly entitled him to some reward from those on Capitol Hill who were the beneficiaries of his peculiar form of infidelity. And for a while it seemed as though President Nixon had found an innocuous, if somewhat expensive, spot for him, as a $36,000-a-year member of the Subversive Activities Control Board, an agency which has no work to perform and consequently no secrets to leak. The title probably seemed congenial, if not actually honorific, to Mr. Otepka. And President Johnson had already established a precedent for using the Board as a sinecure for the politically wounded and disabled.

But there is a scheme afoot, it appears, surreptitiously to turn the chairmanship of the SACB from a sinecure into a seat of power, from a bad joke into an ugly menace. S. 12—cited as the "Internal Security Act of 1969"—a bill sponsored by Mr. Otepka's sponsor, Senator James O. Eastland, and by a collection of the Senate's ultraconservative sedition hunters, would create in the United States Government a brand-new super-snooper agency to be designated the "Security Administration for Executive Departments" and to be "subordinate only to the President of the United States." This new agency would serve as a sort of Politburo, supervising all security clearances, would have power to initiate cases before the SACB, would conduct continuing surveys and inspections of the loyalty and security activities of all Executive agencies, would train security personnel and would exercise a variety of additional powers. Although the bill does not actually so designate him, the proper title for its Administrator would be "Commissar."

The bill contains an interesting provision: "The Chairman of the Subversive Activities Control Board may be appointed as Administrator, and if so appointed may continue to hold the position of Chairman of the Subversive Activities Control Board during any term for which he shall have been appointed and designated as such Chairman." Now, what do you suppose the architects of this legislative extravaganza have in mind? How foresighted they are! The present Chairman of the SACB, John W. Mahan, a deserving Democrat—deserving of a more honorable office—could readily be replaced by—guess who?—the refurbished Mr. Otepka, and the authors of this remarkable measure would, if they managed to get it enacted, then have their own particular darling in one of the seats of the mighty.

It is in the light of this possibility that one must evaluate the statement made by Senate Majority Whip Edward M. Kennedy that "I don't think there is room on the Subversive Activities Control Board for someone whose basis of strength is the support of the John Birch Society and the Liberty Lobby." How much more vital it is to keep such a person from the office of Security Pooh-Bah. There must be room for Mr. Otepka on the staff of the Senate Internal Security Subcommittee where he will be relatively harmless and feel entirely at home. S. 12 is a nightmare. With Otto Otepka administering it, it would become a reality.

Mr. YOUNG of Ohio. Mr. President, it is difficult to reconcile Secretary Rogers declining to reinstate Otepka with the President's nominating him to a $36,000 post, albeit in a worthless Federal agency. If the President had deliberately set out to make his administration appear ludicrous he could not have chose a better means than through promoting Otepka. This nomination is an insult to the American people. It is pure political chicanery, and the Senate should reject it forthwith.

The Otepka nomination raises an issue of more importance than the promotion of a petty, self-seeking bureaucrat. Again it raises the question as to why the Subversive Activities Control Board has been permitted to exist at all. The President's appointment of Otepka might be simply dismissed as his tossing a bone to restive rightwing elements. More important, it may be an indication that he intends to keep alive part of his past as a Communist chased by resurrecting the discredited Subversive Activities Control Board.

Mr. President, earlier today, I introduced a bill to once and for all abolish the SACB. I am hopeful that this legislation will be acted upon as swiftly as possible. It is high time to rid the Federal Government of this insidious leftover of the witchhunts, this boondoggle costing hundreds of thousands of dollars of taxpayers' money annually.

In the 19 years since its creation, the Subversive Activities Control Board has served no useful purpose and has not made a single contribution to the welfare or safety of the Nation. The major section of the statute creating it has been held unconstitutional. From 1965 through 1967, the Board did not hold a meeting and there were no cases pending before it. In fact, in 1967, Congress enacted legislation specifying that the Board had to hold at least one hearing in 1968 or go out of business. Subsequently, under great political pressure Attorney General Clark sent the Board seven cases and the Board started its hearings in September 1968. Since then, it has dealt with three cases naming minor Communist Party functionaries as members of a "Communist-action" group, a process that involved only 6 days of hearings, 1 day of oral arguments and reading of extensive FBI reports. Recently, the Board began hearings on three more cases which are nothing more than "make work" cases to keep this worthless agency in business.

Apart from the five Board members, only 10 employees remain, who do nothing today but send messages to one another and expend energy once or twice a month to draw their salaries. Their average salary is one of the highest in the entire Federal bureaucracy. This year this boondoggle is costing taxpayers more than $365,000, all completely wasted. The continued expenditure of taxpayers' money for this absurd boondoggle is unconscionable at a time when we are looking for ways to save taxpayers' money.

Mr. President, there is no need whatever to continue this virtually dead agency. According to J. Edgar Hoover, who should know, the Communist Party in the United States has lost 90 percent of its membership since reaching its numerical peak strength 25 years ago. The FBI report is that there were 80,000 Communists in the United States in 1944. The Soviet Red Army was crushing Hitler's "supermen" in Europe, and in America there was tolerance for homegrown Communists. The Soviet Union was our ally at that time and some 20 million of its finest youngsters had given their lives to help save the world from Nazi domination.

Quoting J. Edgar Hoover again, at the present time he estimates that the numerical strength of the Communist has nose-dived and instead of being 80,000, as it was in 1944, their total strength in the United States today is between 8,000 and 10,000.

In that total of 8,000 or 10,000, Mr. President, are included those FBI agents who have infiltrated—we do not know in what numbers—and are masquerading as Communists. At most, there is one Communist in the United States for every 21,000 non-Communists, the odds in favor of free institution being 21,000 to 1.

Customarily from 80,000 to 83,000 spectators sit in the Cleveland Stadium Sunday afternoons witnessing National League football games, cheering on the Cleveland Browns. Mr. President, many, many times I have been seated with those 80,000 to 83,000, and I have never felt any fear whatsoever of the Communists there. Taking the FBI calculations—and

they should be correct—then all of three people in that entire crowd of 80,000 might be Communists. Should we be afraid that those few will harm the rest of us? Furthermore, we have on our side the brains and brawn of the city and State police, the FBI, the Army, the Air Force, the Navy—and never forgetting the Marines. Do we need the five men on the Subversive Activities Control Board and some 10 employees feeding at the public trough to gallop to our aid? If it is claimed that we no longer are the land of the free, let us at least be the home of the brave.

When the SACB was created in 1950, it was a bad idea. That was my opinion then; that in my opinion now. Nothing has happened to change it. Instead, the evidence clearly and convincingly shows an effort to introduce totalitarian uniformity into political thinking. The Board, by the very fact it is permitted to exist, continues to be a challenge to the basic principles of the democratic way of life of our Republic.

In 1950, when President Truman vetoed the McCarran-Walter Act which created this bureaucratic monstrosity, he said in his veto message:

> The provisions of the act are not merely ineffective and unworkable; they represent a clear and present danger to our institutions.

His warning has been validated in numerous Supreme Court decisions which have all but nullified that legislation.

The SACB is part of that debris of the witch hunts of the 1950's, the so-called period of "Joe McCarthyism," that still lingers with us to some extent. It is a part of that era in which a number of practices were adopted which were claimed to be necessary for the national security, which would have shocked our forefathers.

Many of the nefarious laws of the McCarthy era were subsequently declared unconstitutional by the Supreme Court of the United States. I maintain that, from the standpoint of civil liberties, historians of the future will credit the Supreme Court of the United States with playing a major role in the preservation of our traditional concepts of individual liberty.

We have recovered somewhat from that era, but the Subversive Activities Control Board, unfortunately, is still with us.

Mr. President, it is obvious that today the Subversive Activities Control Board is nothing more than a sop to the right-wing and a convenient place for a President to place his friends. Senators will recall that in 1967 President Johnson nominated Simon F. McHugh, Jr., to the SACB. At the time Mr. McHugh was a minor executive in the Small Business Administration, but, more important, he was the husband of a one-time personal secretary to President Johnson.

So, he became a member of that Board by Presidential appointment, and he is now a member of the Board, although his appointment was criticized violently by some of those who are now opposing this nomination.

The Chairman is John W. Mahan, a former national commander of the VFW, who headed a Veterans for Johnson Committee in 1964. When asked by a White House aide to take a vacancy on the Board, he replied that he had never even heard of it. The other two members are Leonard L. Sells, who was an attorney for the Renegotiation Board, and John S. Patterson, neither of them with a distinguished background of public service entitling them to a $36,000 a year appointment.

Mr. President, the future safety of this country does not depend in even the slightest measure on the Subversive Activities Control Board. It does depend on citizens and leaders who realize that hunger, poverty, and unemployment pave the way to communism. Those who have appropriated the issue of communism to serve their political ends are poor reeds to lean on in a fight against communism. These are the men who will be found continually on the side of the powerful special interests. They can always be depended upon to oppose all measures to make life better for more people and to insulate them against communism—protection against dependence on old age, unemployment, and occupational hazards, the elimination of poverty, slums, and hunger and malnutrition that afflict millions of Americans, decent housing, medical care for the elderly, farm programs based on the knowledge that a healthy agriculture is potent insurance against communism, the right of labor to bargain for a fair share of the wealth it helps to create, and providing a decent education for every American child.

Mr. President, let us at all times manifest the pioneering spirit of free and courageous men and women intent on maintaining our way of life and adhering to those sacred guarantees in our Constitution. Let us reaffirm the ideals and principles that have made our Nation the hope of the world. As one who despises Communists, communism, and Communist methods, I urge that this scarecrow agency, the Subversive Activities Control Board, be discarded along with all reminders of totalitarianism in our society.

Mr. President, it is crystal clear that despite his denials Otto Otepka has strong ties to un-American extreme right-wing organizations and many of their leaders. Also, it appears that the response from J. G. Sourwine of the Judiciary Committee staff to specific inquiries of Senators HART, KENNEDY, BURDICK, and TYDINGS respecting finances and connections of Otto Otepka was inconclusive, based almost entirely on the statements of individuals involved, and seriously lacking in depth and careful research. I believe that the committee should investigate further any formal or informal connections between Otto Otepka and the John Birch Society, the Liberty Lobby, and any persons or organizations actively associated with either of these lunatic fringe groups.

Therefore, Mr. President, I move to recommit the nomination of Otto Otepka.

I yield the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the full concurrence of the minority leader, that the vote on the pending motion take place not later than 2:30 p.m.

Mr. DIRKSEN. With the understanding that at least 30 minutes of the time will be given to the proponents of the nomination.

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

Mr. MANSFIELD. I yield.

Mr. DODD. Mr. President, I simply want to say, with all deference, that I have talked with the distinguished majority leader. That would give us how much time? The Senator mentioned 2:30. I do not know how many speakers there are.

Mr. MANSFIELD. There will be time, Senator.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Montana whether his request that the vote on the nomination take place at 2:30 o'clock will be a vote on the pending motion?

Mr. MANSFIELD. That is correct, the vote on the pending motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered. The vote on the pending motion will occur at 2:30 o'clock p.m.

Mr. MANSFIELD. Let me say that if any complications arise at that time, we will take care of them then. I want to thank the Senator from Ohio.

Mr. EAGLETON. Mr. President, earlier this year, in connection with the nomination of Walter J. Hickel as Secretary of the Interior, I had occasion to do some study and research on the advice and consent function of the U.S. Senate as it related to nominees for various governmental posts as submitted by the President of the United States. My statement on same and my reasoning in supporting Mr. Hickel's nomination will be found at page 1522 of the CONGRESSIONAL RECORD of January 22, 1969.

In that statement, I pointed out the criteria which the Senate might keep in mind in the case of a nominee for the Cabinet, the President's official family, the members of which serve at the pleasure of, at the discretion of, and to the possible embarrassment of the President of the United States.

I also pointed out that different criteria were necessarily involved in the consideration of appointees to the Federal bench, for life, or to regulatory bodies for a fixed term, where the control of and the direct responsibility to the President were absent.

I said at that time:

> The debates at the Constitutional Convention of 1787 shed little light on what criteria the Senate should apply in exercising its advise and consent authority. Through almost two centuries of experience in implementing this responsibility, different Senators under different circumstances facing different questions have exercised their prerogatives in different ways.
>
> In studying the historical evolution of this senatorial authority, I am constrained to conclude that a standard or criterion applicable to one category of nominee may not necessarily be the proper standard for another category of nominee.
>
> It is one thing to consider the background and qualifications of a potential Supreme Court Justice to be appointed for life. It is another thing to consider the background and qualifications of an appointee to an independent regulatory agency who will serve

independently of the President and often for a fixed term of years. It is still another thing to consider the background and qualifications of an appointee to the Cabinet who operates under the direction of and at the pleasure of the President.

In one of the few books devoted to the advice and consent function, Prof. Joseph P. Harris made these observations:

"The tests applied by the Senate in considering nominations vary widely, depending in part on the character and importance of the office concerned and whether the nomination is one to which the Senate gives individual attention. Well-established custom accords the President wide latitude in the choice of members of his own Cabinet, who are regarded as his chief assistants and advisers (p. 379).

"It is appropriate for the Senate to consider the philosophy and general outlook of nominees to high federal offices, particularly to regulatory bodies and to the bench. These offices stand in a different position from that of the heads of executive departments for whose actions the President is responsible (p. 384).

"The confirmation of presidential nominations to independent regulatory commissions is always of especial importance, for members of these commissions are regarded as having a special relationship to Congress. The function of the Senate in passing upon the nominations is not limited to the technical qualifications of the nominee and his fitness for the office; it is appropriately concerned with his stand on broad policies and the effect his appointment may have upon the functioning of the commission. Often the character and attitude of the officers who head an agency have as much to do with its policies as the legislation under which it operates. The Senate must therefore consider whether a nominee to a regulatory commission is in sympathy with the objectives of the laws which he will be called upon to administer, and whether he will support policies which are agreeable to the majority of the Senate (p. 178). Joseph P. Harris, 'The Advice and Consent of the Senate' (University of California Press, 1953)."

Today we consider the appointment of Otto F. Otepka to be a member of the Subversive Activities Control Board to serve for a fixed term ending August 9, 1970.

Mr. President, it is therefore the duty of the Senate to consider the nature of the position for which Mr. Otepka has been nominated and the nature of Mr. Otepka's case history as bearing thereon.

THE ROLE OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

The Subversive Activities Control Board—which I shall hereinafter refer to as SACB—was created by law in 1950. Through the years since its creation, its duties have been drastically reduced by decisions of the Supreme Court of the United States. However, in 1968 Congress granted further powers to the SACB.

The Board is now empowered to hold hearings and to compel the appearance of witnesses and the production of evidence by subpena for the purpose of determining whether groups named by the Attorney General are Communist-action or Communist-front groups, or whether named individuals are members of Communist-action groups.

Persons found by the SACB to be Communists or members of Communist-front groups are prohibited by law from holding Federal appointive positions, and from holding jobs with labor organizations or in defense facilities.

Groups found by the Board to be Communist organizations must announce themselves as such in using the mails or any broadcast media and must be denied tax-exempt status.

Finally, it should not be ignored that it is proposed in the present session of Congress in S. 12 that the aforementioned powers be considerably expanded.

The SACB is, then, a board with existing authority and prospectively, at least in the minds of the sponsors of S. 12, it will have even expanded authority in the area of adjudging, evaluating, and handling security matters and files.

To this Board Mr. Otepka has been nominated by the President.

THE OTEPKA CASE

Otto Otepka's case within the State Department began in 1963. During the course of hearings before the Senate Internal Security Subcommittee Mr. Otepka handed over to Mr. J. G. Sourwine, chief counsel of the subcommittee, some 34 documents of which 11 were classified ranging in degree of classification from "confidential" to "official use only" to "limited official use."

Otepka was charged with "conduct unbecoming an officer of the Department of State" in connection with the handing over of these papers to Mr. Sourwine. At the outset he was also charged with other allegedly improper acts, but these other charges were later dropped by the Department of State by the time the case was presented to the hearing officer.

Specifically, Otepka was charged with violating the Presidential directive of March 13, 1948, which provides, in part, as follows:

All reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

The report of the hearing officer is printed at pages 75–84 of the April 15, 1969, Judiciary Subcommittee hearing on the instant nomination—hereinafter referred to as the "hearing." I call to the attention of the Senate findings No. 12 and No. 42 which I read herewith verbatim:

No. 12. Based upon my consideration of all the testimony and evidence on record in the Appellant's case, I find that the Appellant delivered the two memoranda and investigative report to a person outside of the Department of State without authority and in violation of the Presidential Directive of March 13, 1948 (13 FR 1359). I find that this action is conduct unbecoming an officer of the Department of State. I find no extenuating circumstances which would mitigate the delivery of the two memoranda and investigative report to the person outside the Department. (See Hearing p. 78)

No. 42. The Code of Ethics for Government Service, 86th Congress, 1st Session, House Document No. 103, passed by the Congress of the United States on July 11, 1958, states in part:

"Any person in government service should:

"I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"II. Uphold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion. . . ."

I consider the Presidential Directive of March 13, 1948, as a positive regulation for the conduct of Executive Branch personnel in the administration of the employee loyalty program. The Directive is reasonable enough, setting forth a procedure whereby loyalty-security information can be made available to the Congress.

Mr. President, I repeat that at this point for emphasis because I think it is vital to the case. The hearing officer said:

The directive is reasonable enough, setting forth a procedure whereby loyalty-security information can be made available to the Congress.

That is a course of procedure which Mr. Otepka did not follow.

The hearing officer went on to add:

I find that the Appellant, as an employee of the Executive Branch, is bound to the proper implementation of the Presidential Directive. The Code of Ethics for those in Government Service requires adherence to a proper regulation and requires further, that no government employee be a party to the evasion of a legal regulation. The Appellant has requested a consideration of all the circumstances of this case which he states permit him to apply a different rule, I have so examined all the circumstances of the case and find no reason to evade the application of the foregoing rule. (See Hearing p. 83)

Mr. President, on December 9, 1967 Secretary of State Dean Rusk affirmed the finding relating to Otepka, and Otepka was reprimanded, reduced one civil service grade, and transferred to duties "which do not involve the administration of personnel security functions." See hearing, page 86.

The case then moved out of the Department of State to the U.S. Civil Service Commission.

On May 20, 1968, the Chief of the Appeals Examining Office of the Civil Service Commission made his findings, again affirming the prior findings. The report, in part, reads as follows:

He [Otepka] delivered to the Chief Counsel, Senate Subcommittee on Internal Security three documents of a security nature. He had no right to take the files and records of his agency and release information which he knew may be disclosed only by the President. Furthermore, he had no right to invade the privacy of those who were named in the three documents. It is a fair conclusion that having taken this action one time, he might well do it again and it is reasonable for Management [the Department of State] to discipline him and remove him from the area where he has demonstrated capacity for harm. Therefore we conclude that the action taken by the Department of State was for a cause as will promote the efficiency of the service and that the decision to effect the action was not unreasonable, arbitrary or capricious. (See Hearings, p. 91)

On September 25, 1968, the Board of Appeals and Review of the U.S. Civil Service Commission rendered its decision in the Otepka case, again affirming the previous findings. The Board of Appeals said, in part, as follows:

The appellate record establishes that the appellant was familiar with the contents of the aforementioned Presidential Directive and that he knew of the prohibitions contained therein. Surely, the appellant, who had occupied highly responsible security positions in the Department of State, including that of Deputy Director of the Office of Security, as well as the position of supervisory Personnel Security Specialist, was un-

der a duty to uphold and comply with the Presidential Directive of March 13, 1948. His failure to do so, under the circumstances disclosed by the evidence of record, clearly constituted conduct unbecoming an officer of the Department of State, as the Department alleged. . . .

On October 5, 1968, Mr. Otepka announced in the press that he would appeal his case to the Federal courts, as was his right. However, he never did pursue that appeal, dropping the appeal of his own volition.

When President Nixon assumed office, he instructed Secretary of State Rogers to review the case.

On February 19, 1969, Secretary of State Rogers wrote to Mr. Otepka stating his conclusion that "the case had been fully and exhaustively litigated within the executive branch of the Government in accordance with applicable provisions of law and the regulations of the Department of State and Civil Service Commission" and that the case would not be reopened.

THE CASE AS IT APPLIES TO MR. OTEPKA'S NOMINATION TO THE SACB

Mr. President it appears to me that Mr. Otepka has had his full day in administrative court, so to speak, and could have had an even fuller day in Federal court had he wished to pursue that remedy.

As a governmental employee handling security matters, he has been found wanting by first the State Department hearing officer, next the Secretary of State, next the Civil Service appeals examining officer, next the Civil Service Commission, and next the Civil Service Commission Board of Appeals and Reviews. Secretary of State Rogers refused to reinstate Mr. Otepka.

Mr. Otepka knowingly and willfully transmitted State Department security documents in violation of a Presidential directive. He did so, as the hearing officer found, with "no extenuating circumstances which would mitigate the delivery of the two memorandums and investigative report to the person outside the Department." See hearing, page 78.

Mr. President, I cannot see how, under these circumstances, the Senate can now give its advice and consent—the constitutional value and validity of which most of us are now striving to restore—to elevate Mr. Otepka to a position of even higher prestige and power in the field of security.

For us to do so is to say that the record of all the previous hearings and the findings therein were baseless.

For us to do so is to say that the Senate of the United States substitutes itself as a Federal appellate court, a court to which Mr. Otepka declined to take his case.

For us to do so is to close our eyes and minds to the exhaustive hearings of record compiled in this case.

For us to do so is to reward an intentional violation of a Government security order by placing the violator in the highest echelon of security control and supervision.

For us to do so is to introduce Mr. Otepka once again into the security field after he had been transferred out of such field because of an intentional breach of security conduct.

Mr. President, this is seriously inconsistent—it is more than that: It is blindly hypocritical.

Mr. President, other Senators will present additional matters they wish to have considered by further committee hearings on this nomination. They, of course, have the right to express their doubts. For myself, without delving into any other areas and confining myself to the appendix to the transcript of the hearing before the subcommittee, on the desk of every Senator, I am satisfied that Mr. Otepka, by reason of his past conduct in the handling of security affairs, is an inadequate nominee for an even loftier position in the security field.

Therefore, Mr. President, I shall vote against the confirmation of Mr. Otepka as a member of the Subversive Activities Control Board.

I yield the floor.

Mr. GOODELL. Mr. President, I cannot in good conscience support the nomination of Mr. Otto F. Otepka to be a member of the Subversive Activities Control Board.

I have the highest regard for the principle that the President should have wide discretion in making major appointments. Nevertheless, the Constitution places upon the Senate the obligation to determine the basic qualifications of nominees.

The Subversive Activities Control Board, having been stripped of its original functions which were declared unconstitutional, now serves little or no useful purpose.

Despite its lack of usefulness, the Board can by its actions vitally affect the lives and careers of those whom it investigates. For this reason, its members ought to be men of discretion and judgment. I am not satisfied that Mr. Otepka is such a man.

The Internal Security Act which created this Board was enacted at the height of the Joseph McCarthy era. President Truman, with the full support of J. Edgar Hoover, recognized its dangers and vetoed, it saying:

This bill would work to the detriment of our national security.

The act required the registration of Communists in violation of their fifth amendment rights under the Constitution. Other of its ill-advised provisions authorized the creation of detention camps in this free country.

In 1965, the Supreme Court virtually did away with the Board by declaring unconstitutional its power to police the compulsory registration of Communists. Thereafter, the Board did nothing and did not even meet for 3 years. Nevertheless, its five members each were paid handsome salaries of $26,000 a year. Appointments to the Board became payoffs for political favors. The taxpayers paid a quarter of a million dollars a year—or over $5 million in the history of the SACB—for an agency that accomplished nothing.

Last year, Congress renewed the powers of the Board by authorizing it to hold hearings to determine whether groups or individuals named by the Attorney General are Communist affiliated. This passed the Senate by a vote of only 3 to 2, with 95 Members absent.

An amendment to this legislation provided that the Board would expire unless the Attorney General sent names to it before the end of 1968. At the last moment, the Attorney General submitted a few names to the Board to prolong its precarious existence.

The Board is not needed in order to prosecute those who actually conspire to overthrow our Government.

The Board is not needed to investigate subversives of the right or the left. The FBI has ample powers to do this.

The Board's only function is that of labeling organizations as Communist or Communist fronts. The statutory standard of what "Communist" means is so vague that this can seriously jeopardize the basic individual freedoms guaranteed by our Constitution.

The Board is directed only at the world Communist movement. It does not concern itself with totalitarian organizations of the extreme right—which can endanger our liberties just as gravely as those of the extreme left.

Useful or not, the Board nevertheless can profoundly affect the lives of those it investigates. It it determines that named individuals are members of Communist-action or Communist-front organizations, this will prevent them from holding public office and will seriously diminish their chances of obtaining or keeping private employment.

Because of its power over the lives of American citizens, the Board must be composed of men who meet high standards of fairness, discretion, and judgment.

On the basis of his record, I am not convinced that Otto Otepka has shown these qualities.

The majority report of the Senate Judiciary Committee, which has recommended his confirmation, discusses extensively whether Mr. Otepka has lied, engaged in other misconduct, or has been associated with individuals or organizations of a subversive character. It concludes that he has not.

The report does not, however, satisfactorily answer the question whether Mr. Otepka in his actions has demonstrated the caliber of judgment that would justify his being appointed to such a sensitive post.

Mr. Otepka served as the State Department's chief security investigator until 1963, when he was removed from this job. Two boards—a specially appointed State Department investigative board and a Civil Service Appeals Board—upheld his demotion.

His removal by the State Department from matters involving the administration of personnel security functions was sustained by the Democratic Secretary of State, Dean Rusk. His Republican successor, William P. Rogers, refused to reinstate him.

I do not understand a double standard by which a man who has been determined to be unfit to hold a security post in the State Department is nevertheless fit to hold an even higher ranking and higher paid position in a major Federal security agency.

If, as a Democratic and a Republican Secretary of State have determined, Mr. Otepka is not suited to pass upon sensitive personnel security matters in the

State Department, how can he be qualified to pass upon matters of a similar nature as a member of the Board?

Can it be that the Board is a "harmless" place for Mr. Otepka, because it has been inactive for so long? This consoling thought is no longer true. The Board was given renewed powers by Congress last year, and the Attorney General has been activating it by sending it the names of persons to investigate.

It may prove even more hazardous to have Mr. Otepka serve as a member of the Board than as a State Department security evaluator. In the latter post, his actions were at least reviewable by his superiors. As a member of the Board, his actions will be reviewable only by the courts.

This appointment would become still more sensitive if Congress were to enact the proposed Internal Security Act of 1969, S. 12, introduced this year and sponsored by one-third of the members of the Senate Judiciary Committee. That bill, if enacted, would create a new Security Administration for Executive Departments with sweeping investigatory powers, and provides that the Chairman of SACB may also be Chairman of this powerful new agency.

As I stated earlier, I believe the Board serves no constructive purpose. Some may disagree with this characterization. Some may contend that the Board can perform an important public disclosure function. If one were to accept this premise, it becomes even more important that the members of the Board be highly respected men, in whose judgments the public will believe.

Mr. Otepka does not enjoy this sort of public confidence. His State Department activities have generated widespread misgivings. So have widely publicized reports that he has been associated with rightwing causes. So has the vocal support he has received from extreme rightist groups which he has not fully repudiated.

In short, the Subversive Activities Control Board is the wrong agency and Mr. Otepka is the wrong man. The nomination should not be confirmed.

Mr. DODD. Mr. President, I take the floor to support the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board.

The Otepka nomination was favorably reported by the Judiciary Committee on May 29. Two members of the committee, however, signed dissenting views, while four filed individual statements. It is my belief that their dissent or reservation was based on a misunderstanding of the facts, because there has, regrettably, been a good deal of misrepresentation about the Otepka case in the press.

This is a good appointment. It is my hope that a detailed presentation of the facts will help to persuade those Senators who have expressed doubts, or who harbor doubts, about Otepka's associations, or about his conflict with the Department of State, or about his sensitivity and judgment.

The press campaign against Otto Otepka has been spearheaded by Drew Pearson, the lying character assassin and his trained jackal, Jack Anderson. Through their repeated columns carried in hundreds of newspapers across the country, they have unquestionably been able to influence other writers and commentators and, in a minor way, to influence congressional attitudes. Their success has been limited. But by dint of repeating the most outrageous lies as though they were statements of fact, they have been able to make many honest people believe that there must be some substance to their misrepresentation.

There is nothing new about this technique, of course. It is the old technique of "the big lie," at which Pearson and Anderson are past masters.

In the several columns they have written to date on the Otepka matter, Pearson and Anderson have told a total of several dozen separate lies; and their major lies, as is their custom, have been repeated over and over again.

The first column, for example, had a single sentence which contained three distinct lies, crowded into a mere 20 words. The sentence in question read:

> The classified papers which Otepka gave Dodd pertained to the security clearance of several officials, the most important being Walt Whitman Rostow.

The fact is that Otepka never gave me any papers of any kind, either inside the hearing room or outside the hearing room.

The fact is further that I hardly knew Otepka.

And the fact is finally that I never had any contact with him outside the hearing room.

The three documents which form the basis for the State Department's charge against Otepka were officially made part of the investigation record in a meeting on August 12, 1963, presided over by Senator HRUSKA. The hearing record shows that I was not present on that day.

This was lie No. 1.

The fact is, further, that Otepka turned over no documents from the personnel security files of any official.

This was lie No. 2.

And finally, the fact is that the name of Walt Whitman Rostow did not figure in any way in the several documents Otepka gave the subcommittee or in his testimony before the subcommittee or in the hearings on State Department security.

This was the third lie in the Pearson-Anderson sentence.

The purpose of this factual recitation is simply to establish once again that Pearson and Anderson are the most reckless and malicious liars who ever rated a syndicated newspaper column.

WHO IS OTTO OTEPKA?

Before I go on to deal with the major allegations that have been made against Otepka by Drew Pearson and by others, it would be appropriate to establish for the record the essential facts about Otto Otepka, about his conflict with the Department of State, and about his qualifications for the position to which he has been nominated.

Otto Otepka is an outstanding example of the self-made man who has risen from the humblest position in government to very high position by dint of his own efforts and ability.

His unbroken record of advancement over a period of 25 years is by itself a powerful proof that he enjoyed the esteem and respect of his various superiors, until he ran into difficulties with the State Department bureaucracy in 1963.

Otepka went to work for the U.S. Government in 1936.

In 1942 he became an investigator and security officer for the Civil Service Commission, and he held this position until 1943 when he enlisted in the U.S. Navy.

Otepka was honorably discharged from the Navy in 1946 with the rank of petty officer first class.

Returning to his old job with the Civil Service Commission, he continued to work as an investigator and security officer until 1953, when he was transferred to the Office of Security in the Department of State.

Otepka's outstanding competence won him advancement in August, 1953, to the position of Chief of the Evaluations Division of the State Department Office of Security.

Over the ensuing years, Otepka won nothing but praise for his performance from the top people in the Department.

In September, 1955, Mr. Dennis Flinn, the Director of the Office of Security, stated in a memorandum that Under Secretary Herbert Hoover, Jr., had "gone out of his way to express appreciation for Mr. Otepka's work," in particular, for the "form, substance, and objectivity of presentation."

In April of 1957 Otepka was advanced to the position of Deputy Director of the Office of Security, in which position he became the effective chief of the State Department's personnel security operations.

Later that year his work won special commendation from Mr. Loy W. Henderson, Deputy Under Secretary of State for Administration, who said that Otepka deserved "special commendation" for his handling of many delicate cases of security clearance for appointive office.

In 1958, Otepka received the Meritorious Service Award from Secretary of State John Foster Dulles.

In May of 1962, the Head of the Office of Security, Mr. William O. Boswell, in an official memorandum, said:

> Over the years Mr. Otepka has made a very real and substantial contribution to the Office of Security and hence to the national security.

And he praised his ability and dedication to the security program.

Even after formal charges had been brought against Otepka by the State Department, the then Under Secretary of State for Administration, Mr. William Crockett, described Otepka to the committee as "a knowledgeable, realistic security man."

Here is a man who over a period of several decades served the U.S. Government in various capacities; whose performance won him continuous advancement and repeated praise from highly demanding superiors whose record was without blemish or flaw.

This is the man whom we are now told is untrustworthy and incompetent and undeserving of the high office to which he has been nominated.

By commonsense standards of logic and justice, I say that this just does not make sense.

Now, let us examine the charges against Otepka one by one.

THE STATE DEPARTMENT'S ACTION AGAINST OTEPKA

The only argument that has been made against Otepka that has even the appearance of substance is that the State Department found it necessary to discipline him on the basis of charges brought against him by Secretary of State Rusk.

I have great respect for former Secretary of State Rusk, under whose administration the charges against Otto Otepka were initiated. But, having presided over many of the hearings on the question of State Department security, I am convinced that those subordinates who handled the Otepka case did the Department of State and Secretary Rusk himself a profound disservice.

It is perhaps the nature of bureaucracies that they must always seek to vindicate their errors. And this is probably why the State Department persisted in its mean and unreasoning campaign against Otto Otepka, even after his accusers had been dismissed for perjury.

The story of the shameless campaign waged against Otto Otepka by certain State Department officials is documented in the many volumes of hearings on the question of State Department security conducted by the Senate Subcommittee on Internal Security.

Otto Otepka had served in the field of security for a number of years when he first appeared before the Senate Subcommittee on Internal Security in 1961. At that time he held the position of Deputy Director of the Office of Security in the Department of State. His efficiency rating had always been "excellent"; and in 1958 he had received the Meritorious Service Award from Secretary of State John Foster Dulles.

But while Otto Otepka was fair, he also believed in sound security procedures. For this he incurred the wrath of certain people in the Department.

And so, they began, first, to restrict his functions.

Then they began to monitor his burn basket.

Then they locked him out of his office and denied him access to his files, although no charge had yet been brought against him.

No one suspected of espionage or disloyalty has, to my knowledge, been subjected to such surveillance and humiliation. But Otepka was not suspected of disloyalty or espionage. He was suspected very simply of cooperating with the Senate Subcommittee on Internal Security and of providing it with information that some of his superiors found embarrassing or objectionable.

On November 5, 1963, it was announced that the State Department had decided to dismiss Otto Otepka. I immediately took the floor of the U.S. Senate to protest the dismissal, which I described as a challenge to responsible government and an affront to the Senate as a whole.

Among other things, I pointed out that while State Department officials had denied under oath that a listening device had been installed in Otepka's office, the Subcommittee on Internal Security had proof that such a device was in fact installed.

In the ensuing colloquy on the floor of the Senate, there was discussion of possible perjury charges against the State Department officials involved.

The following morning, November 6, the Subcommittee on Internal Security received three letters from the State Department officials to whom I had referred without naming them: Mr. John F. Reilly, Deputy Assistant Secretary for Security; Mr. David I. Belisle, deputy to Mr. Reilly; and Mr. Elmer Dewey Hill, Director of the Division of Technical Services in the Office of Security.

It was also announced that the dismissal was revoked and that Otepka was, instead, being suspended.

In essence, the three State Department officials who originally told the subcommittee that they knew absolutely nothing about an effort to install a listening device in Otepka's office and had not been party to such effort, now told the subcommittee that their previous statements were untrue and misleading, and that they did in fact have knowledge of the installation of a device in Otepka's telephone.

Messrs. Reilly and Hill, having been caught in the act of perjury before a Senate committee, were obliged to submit their resignations.

However, it later developed that Mr. John F. Reilly was able to move on to another important position in the Federal Communications Commission because his State Department file contained no record of the fact that he had committed perjury and had been obliged to resign on this account.

As for Mr. Belisle, not only was his resignation not requested by the Secretary of State, but he has since then moved on to higher positions.

The record also established that it was Mr. John F. Reilly, the chief of the perjurers, who had framed the charges against Otepka on the basis of which the Secretary of State acted against him.

And it was under the same Mr. Reilly that an effort was made to enlarge the case against Otepka by planting phony evidence in his burn basket. When Otepka was able to demonstrate the fraudulence of this planted evidence, the State Department was obliged to drop most of the charges that had originally been brought against him.

Essentially what remained was the charge that Otepka had violated State Department regulations by allegedly turning over confidential documents relating to personnel security to the Internal Security Subcommittee.

Now I do not say that executive department employees should have the right to violate the stringent rule against revealing or turning over the contents of personnel security files. But this is not what was involved here.

Otto Otepka did not "pilfer" State Department files as has been alleged.

Nor did he turn over to the subcommittee any classified papers from the personal security files of State Department officials.

Actually, Otepka gave the subcommittee only three documents about which the State Department complained.

Otepka had informed the subcommittee that he had written a memorandum to his superior, Mr. Reilly, recommending a tightening of security procedures. Mr. Reilly denied to the subcommittee that he had received any such memorandum from Otepka. In order to prove that he was telling the truth and that Mr. Reilly was lying, Otepka gave the subcommittee a copy of his original memorandum to Reilly, which had been initialed on receipt by Reilly; and he also gave the subcommittee a copy of a memorandum written by Reilly to another State Department office in which he made reference to the Otepka memorandum.

It was of vital importance to the subcommittee to know who was lying and who was telling the truth. And I honestly cannot think of any other way in which Otepka could have handled the matter.

I doubt very much, for example, that he would have been granted permission to convey these documents to the subcommittee if he had asked his superior, Mr. Reilly, for this permission.

Here was this poor man, put in the position of being accused of having lied to the Committee on the Judiciary when he told us that he had written a memorandum to his superior, and the superior came before us and said, "He is a liar; he never did."

Faced with this charge, Otepka said, "All right, I will show you I am not a liar. Let me get that paper."

He went back to his office, got the paper, and returned, and said, "Here is the memorandum I wrote him; there are his initials. And here is his memorandum. Here they are."

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

Mr. DODD. I yield.

Mr. EASTLAND. Is it not a fact that Mr. Otepka was told there was a conflict, and asked to verify, if he could, the story he told?

Mr. DODD. That is exactly right.

Mr. EASTLAND. And he did, at the request of the committee, verify it?

Mr. DODD. He did.

Mr. EASTLAND. And then the State Department fired his superiors for lying.

Mr. DODD. That is correct. I am glad the Senator added that; I meant to mention it.

This was another reason why the Secretary of State fired Reilly, because he lied about those memorandums before the Committee on the Judiciary.

Senators may say Otepka should have gone to the Secretary of State and said, "Look, this fellow Reilly went up to the Judiciary Committee and lied about me; please let me have that memorandum so I can take it to the committee and show it to them."

If he had done that, it perhaps might have been better and easier. Knowing the machinery of these big depart-

ments, I doubt that he would have gotten permission. On the whole I am convinced that Otepka did the right thing.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. MURPHY. I seem to recall having read, in connection with some controversy involving the name Reilly, that there was a question about tapping telephones.

Mr. DODD. Yes.

Mr. MURPHY. And that there was testimony that this had taken place under oath, which later proved to be false testimony.

Mr. DODD. Yes.

Mr. MURPHY. Was that the same Mr. Reilly who seems to have been involved with this matter?

Mr. DODD. Yes.

Mr. MURPHY. And he did, under oath, deny that he had any knowledge or had anything to do with tapping Otepka's phone; is that right?

Mr. DODD. Yes; he denied all that.

Mr. MURPHY. Then later, it was subsequently proved, and he admitted, that his testimony under oath had been false?

Mr. DODD. That is right. He was the same person. The Senator has identified him correctly.

Mr. MURPHY. I thank my distinguished colleague.

Mr. DODD. Otepka had also recommended to the Department of State that, in order to reduce paperwork and simplify security procedures, a very much abbreviated report form be used in the case of those employees whose background revealed no questionable or adverse information requiring further evaluation. In order to demonstrate what he meant, Otepka provided the subcommittee with a sample copy of this abbreviated report form.

Now in a purely technical sense, Otepka in this case may have been guilty of violating the Executive order dealing with personnel security files. But the real purpose of this order was to protect employees of the executive branch against the disclosure of any adverse or unevaluated information that might be contained in their personal files. And the report in question contained not a single iota of adverse information; it was a record, indeed, without a blemish of any kind.

Incidentally, I heard the Senator from Missouri (Mr. EAGLETON) say there were 34 classified documents involved. He seemed to be under the impression that Otepka had turned over to the committee 34 documents that he had no right to turn over. I do not know where the Senator got that impression, except that I suspect he probably read portions of the evidence and of the hearing exhibits without knowing all the facts.

There were, it is true, some routine documents under his control that Otepka turned over to the committee upon request. But there were only three documents involved in any charges preferred against Otepka, and I have told you about them.

The original charges did start out with a lot of other junk, but it never got anywhere, and the Secretary of State dropped these charges and they ended there.

So much for the charges brought against Otto Otepka by the Department of State. These charges held no water. Nor did they really succeed in persuading the press or the public. Nevertheless, as the result of the flimsy and baseless charges that were brought against him, Otto Otepka was subjected to a harrowing five-and-a-half-year ordeal.

From all those in the press who followed his case carefully, Otepka won very high marks for the manner in which he bore himself in the face of his long ordeal. Pulitzer Prize-winning newspaperman, Clark Mollenhoff, for example, said recently in a speech in Washington:

> Every investigation I made of Otepka's story demonstrated that he was accurate on the facts, and balanced in his perspective * * * he was amazingly objective in viewing his own case, and in judgment about the men who were alined against him. He had the restraint and judgment to draw lines between those who were actively engaged in illegal and improper efforts and those who seemed to be simply trapped into a position by carelessness or to present a united political front.

Since the charges which led to Otepka's harassment and punishment by the State Department were clearly without substance, Drew Pearson and the others who have recently assailed him have had to invent new charges to bolster the old ones.

Among other things, they have charged him with lack of qualification, with unbalanced judgment, and with extremist associations. Drew Pearson has even implied at several points that Otto Otepka is anti-Semitic.

Let me reply to these recently manufactured charges briefly, because they clearly do not merit extensive attention.

OTEPKA'S FAIRNESS

Otto Otepka had a reputation for fairness which in the 1950's won him the implicit, if not explicit, praise of certain of those who today attack him.

I recall specifically the case of Wolf Ladejinsky, an expert on agriculture in the underdeveloped countries, who had been denied clearance by the Department of Agriculture but who was then granted clearance by the Department of State on the basis of the recommendation of Otto Otepka. This conflict in clearances took more than a year to resolve, and during that time the Ladejinsky case became a nationwide cause with the liberal press and with liberals generally.

Ladejinsky's foremost defender in the press was Washington correspondent Clark Mollenhoff. For his writings on the Ladejinsky case, Mr. Mollenhoff received a special award from the American Civil Liberties Union, as well as the Heywood Broun Award of the American Newspaper Guild and several other press awards. But the real hero of the Ladejinsky case, even though his name received scant attention at the time, was Otto Otepka, and Mr. Mollenhoff is the first to confirm this.

Pearson and others who today assail Otepka would do well to reread the editorials on the Ladejinsky case that appeared in the liberal press of the time.

As for the innuendo that Otto Otepka is anti-Semitic, Pearson conveniently forgot that Wolf Ladejinsky was Jewish. There were, indeed, anti-Semitic overtones in the attack conducted against Wolf Ladejinsky. And in defending Wolf Ladejinsky, Otto Otepka also gave battle to the hidden anti-Semitism which almost succeeded in destroying Ladejinsky.

In defending Ladejinsky, Otepka demonstrated, as well, a sensitivity and fairness that other security officers would do well to emulate.

In the period before the recognition of the Soviet Union, Ladejinsky had been an employee of the American office of Amtorg, the Soviet trading organization. In the eyes of the security officers in the Department of Agriculture, this single fact was enough to disqualify Ladejinsky. Unquestionably, it was a fact which had to be carefully weighed. But Otepka took the stand that it was necessary to look at Ladejinsky's record whole and that it would be wrong to disqualify him because of a single association that had been terminated some 25 years previously.

The basic fairness which he manifested in the Ladejinsky case characterized Otepka's entire approach to problems in the delicate field of personnel security.

THE LIBERTY LOBBY, THE JOHN BIRCH SOCIETY AND GUILT BY ASSOCIATION

Another charge that Pearson has been riding hard is that Otepka has actively associated with the Liberty Lobby and the John Birch Society and that these two organizations played the principal role in promoting his appointment to the Subversive Activities Control Board.

Nothing could be further from the truth. The fact is that these two far-right organizations were unhappy about Otepka's appointment to the Subversive Activities Control Board. They preferred to have Otepka as a martyr whose name they could exploit for their own right-wing purposes rather than seeing Otepka vindicated through his appointment to the Subversive Activities Control Board by President Nixon.

As for Pearson's charge that the nomination was made because the Liberty Lobby and the John Birch Society have a long list of Congressmen whom they can manipulate because they are in their debt, I cannot think of any two organizations that have less influence on the Hill than these two misguided ultra rightist associations. I am sure on this point the opinion of the Senate would be just about unanimous.

It is probable that among Otepka's countless thousands of supporters across the country there were some members of the John Birch Society and the Liberty Lobby, who supported him because they considered him an anti-Communist.

But this is a problem that exists for liberals and pacifists as well as for those who take a strong stand against Communism.

It is, for example, a matter of record that the Communist Party and its publications in this country strongly oppose our Vietnam commitment.

It is also demonstrable that the Communist Party has participated and has urged its members to participate in and contribute to the various major anti-Vietnam demonstrations that have taken place.

But, it would clearly be ridiculous to argue or imply that because all Communists oppose our Vietnam commitment or because identified Communists have played key roles in the anti-Vietnam movement, all those who oppose our Vietnam commitment are Communists or pro-Communists.

The fact is that those who are anti-Communist, whether their domestic views are liberal or conservative, will frequently attract the support of elements with whom they have no association and for whom they have no esteem.

Similarly, the fact is that those who oppose our Vietnam commitment or oppose the ABM, whether their domestic views are liberal or conservative, will frequently find their views enthusiastically supported by the Moscow Communists and the Peking Communists and all the various New Left organizations.

WHO SUPPORTS OTEPKA?

To the extent that Otepka had serious political support, it was based primarily on reputable organizations, like the American Legion which passed resolutions on his behalf at two national conventions; the Young Republican organization; the League of Republican Women; and, on the issue of procedure, by the American Civil Liberties Union which issued a statement protesting the State Department's refusal to grant him an open hearing.

Otepka has been supported, as well, by numerous Senators and Congressmen of both parties.

Finally, his cause has been championed by editorialists, columnists, and commentators of various political views: Clark Mollenhoff of Cowles Publications; Willard Edwards of the Chicago Tribune; commentator Ron David of station WTOP; columnist Holmes Alexander; and numerous editors, including the editors of the New York Daily News; Charleston, S.C., News & Courier; Buffalo, N.Y., News; St. Petersburg, Fla., Times; Omaha, Nebr., World Herald; Los Angeles Times; Phoenix, Ariz., Republic; and St. Louis Globe Democrat.

It is patently ridiculous to charge, in the light of this record, that Otto Otepka has derived his chief support, or any significant portion of this support, from the Liberty Lobby and the John Birch Society.

THE CONFIRMATION OF OTTO OTEPKA

Mr. President, the bureaucratic procedures of the Department of State have wrought a terrible injustice in the case of Otto Otepka.

The State Department bureaucracy cannot go back on itself, because such a reversal would run counter to the nature of bureaucracy.

But the Congress of the United States does not have to be guided by bureaucratic considerations or by the past mistakes of the State Department.

The President has done the right thing in nominating Otto Otepka for the Subversive Activities Control Board, first, because it was clear that his reinstatement in the Department of State was a bureaucratic impossibility; second, because it was clear that an injustice had been done and that vindication was called for; and third, because Otepka was highly qualified for the post.

The newly manufactured charges that have been brought against Otepka by Drew Pearson and others are even more baseless than the original charges brought against Otepka by the Department of State. Even to call them "charges" dignifies them, for they are blatant examples of the technique of the big lie and of guilt by association.

Otto Otepka has for several decades served his Government with distinction in a series of important positions.

The post for which he has been recommended is a highly responsible one.

It calls for a broad knowledge of the problems posed by subversive activities and by the requirements of security.

But most important, it calls for integrity, fairness, and a capacity for balanced judgment.

All of these qualifications Otto Otepka possesses in exceptional degree.

Mr. President, I earnestly hope that the Senate will vote overwhelmingly to approve the confirmation of Otto Otepka as a member of the Subversive Activities Control Board.

Mr. FANNIN. Mr. President, I should like to speak further on the Otepka case, and furnish documentation on the facts.

The Otepka case began in 1961. Up to that time Otto Otepka had been considered an outstanding professional security officer. He had come to the State Department in 1953 as a personnel security evaluator. In 1958 he had received a meritorious award signed by Secretary of State Dulles. In 1960 his State Department efficiency report noted:

> Long experience with and extremely broad knowledge of laws, regulations . . . in the field of personnel security. He is knowledgeable of communism and its subversive efforts in the United States. To this he adds perspective, balance and good judgement.

Mr. President this was the record of Otto Otepka, valued career officer in the State Department before the time he was asked to see that certain individuals be allowed to obtain important jobs without proper security clearance. By early 1962 there were 152 security "waivers" granted to high-ranking Department personnel. Under the previous 8 years of the Eisenhower administration, only five such waivers had been granted.

In January 1962, Otepka was downgraded from Deputy Director of the Office of Security to Chief of the Evaluation Division. On June 27, 1963, he was locked out of his office, denied access to his files and placed in isolation. He also learned that his telephone had been tapped. Three of the officials who denied knowledge of this tap later reversed themselves before the Senate Internal Security Subcommittee. Mr. President, I ask unanimous consent that an Associated Press story appearing in the New York Times on January 10, 1968, be printed at the conclusion of my remarks as exhibit 1.

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

(See exhibit 1.)

Mr. FANNIN. This story, Mr. President, notes the Senate Internal Security Subcommittee has accused the State Department of dealing mildly with these three officials: John Reilly, former Deputy Assistant Secretary for Security; Elmer D. Hill, former head of the Division of Technical Services in Mr. Reilly's office; and David I. Belisle, then Mr. Reilly's Special Assistant.

It should be noted, Mr. President, that initially the State Department leveled 13 charges against Mr. Otepka. By the time of the Department hearings, 10 of the 13 charges had been dropped. By takthis action, the Department managed to prevent a probe of several prominent figures, including those who may have played a significant role in trying to force Otepka out of his job.

What was Otepka's crime, Mr. President? After more than 1,000 pages of testimony, Mr. Otepka was found guilty of "delivering two memorandums and an investigative report to a person outside of the Department of State and in violation of the Presidential directive of March 1948."

This conclusion was reached, Mr. President, without noting that these items were delivered to a duly authorized congressional committee for the purpose of proving that he had not lied in disputing the statements made by his superiors.

Mr. Otepka's "crime," Mr. President, is that he refused to rubberstamp security clearances requested by the administration in power at that time. Clearly a full investigation of the whole handling of the Otepka affair would have proved embarrassing in the extreme for many highly placed personalities. Even now, were all the facts brought to light, there would be political repercussions of considerable significance and magnitude.

Mr. President, I suggest that the opposition to the current nomination of Otto Otepka to the Subversive Activities Control Board is, for the most part, a fabrication of innuendoes and unproven statements pushed forward by those who are either willingly or unconsciously unaware of the real issues in this case.

The Otto Otepka case, Mr. President is more than the trials of one man. It is a question of whether a dedicated career civil servant is free to do his job relating to the security and well-being of our Nation; it stands as a symbol to other dedicated men and women in the service of their country, demonstrating that America wants the job done and wants the job done right in protecting and preserving our Nation.

Mr. President, I ask unanimous consent that an editorial from the Tucson Daily Citizen, Tucson, Ariz., appearing on February 5, 1968, along with the text of the brief in behalf of Otto Otepka filed with State Department hearing officer, Edward A. Dragon, as it appears in Human Events, be printed at the conclusion of my remarks as exhibits Nos. 2 and 3.

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

(See exhibits Nos. 2 and 3.)

EXHIBIT 1

[From the New York Times, Jan. 10, 1968]

PENALTIES IN THE BUGGING OF OTEPKA ARE ASSAILED—SENATE PANEL SCORES SOFT TREATMENT OF THREE WHO ALLEGEDLY PLANTED DEVICE

WASHINGTON, January 9.—The Senate Internal Security subcommittee has accused the State Department of dealing mildly with three of its officials who allegedly bugged the office phone of Otto F. Otepka, the department's demoted security chief.

The subcommittee said in a report released today that the department "allowed two witnesses who had lied to the subcommittee to resign with no prejudicial material in their personnel files to prevent further Government employment, and it retained in its employment one of the trio on its payroll."

Mr. Otepka was demoted, reprimanded and reassigned for having furnished the subcommittee's counsel, J. G. Sourwine, with classified material in 1963. He appealed to the Civil Service Commission after Secretary of State Dean Rusk decided the case last December.

The subcommittee said that, because of the "soft treatment" of the three employes, "the impression has inevitably been created—and only the State Department can undo this impression—that it regards perjury before a committee of Congress as a quite minor matter."

The State Department had no comment.

The three officials were John Reilly, former deputy assistant secretary for security; Elmer D. Hill, former head of the division of technical services in Mr. Reilly's office; and David I. Belisle, then Mr. Reilly's special assistant.

The subcommittee said Mr. Reilly and Mr. Hill first denied but later admitted that they had installed a listening device in Mr. Otepka's office. Mr. Belisle, who was out of the country when the bug was installed, denied any knowledge of it, but later said he was told about it after his return, the report added.

Mr. Reilly and Mr. Hill were first suspended, then both retired. Mr. Belisle did not resign and is now an administrative officer at the United States Embassy in Bonn.

EXHIBIT 2

[From the Tucson Daily Citizen, Feb. 5, 1968]

WHY THE ATTACK ON OTTO OTEPKA?

The case of Otto Otepka shows that subversive elements are at work within the government of the United States, particularly within the state department.

Mr. Otepka is a persecuted patriot, hounded by ultra-leftists who correctly recognized him as an obstacle to their plans for America.

Until 1961, he was working chief of the state department's world-wide Office of Security. It was his job to issue security clearances for persons going into important government positions. As a loyal American, Mr. Otepka regularly refused security clearance to anyone who failed to meet the test of Executive Order 10450.

That order, issued by President Eisenhower in 1953, specified that any reasonable doubt regarding a government employe's or applicant's loyalty should be resolved in favor of national security rather than in favor of the individual.

Shortly after the national election of 1960, in which John F. Kennedy won the presidency, Mr. Otepka explained his position to incoming Secretary of State Dean Rusk and incoming Attorney General Robert F. Kennedy. The two newly appointed cabinet members asked Mr. Otepka about the possibility of security clearance for Walt W. Rostow, who is now a special assistant and advisor to the President and holds what Mr. Johnson calls "the most important job in the White House, aside from the President."

Mr. Otepka had refused clearances for Mr. Rostow in 1955 and 1957. And in 1960, he explained to Mr. Rusk and Mr. Kennedy that he would still not grant such a clearance.

In 1961, the State Department shunted Mr. Otepka out of his accustomed duties by putting him in charge of a special project in an entirely different area. At that same time, the department's security clearance procedures became lax.

In November, 1961, Mr. Otepka was demoted to chief of the evaluations division, an office he filled years earlier, in an apparent effort to make him resign in disgust. He hung on.

On June 27, 1963, Mr. Otepka was summarily dismissed from the State Department and the FBI was asked to investigate him for possible violation of the espionage laws. Incredibly, this action was based on his having given information to the Senate Internal Security Subcommittee.

In the meantime, that subcommittee had been investigating the now-notorious Otepka case and the State Department procedures which the New York Times had called "deceitful, and worse."

The committee's report came out last month in four volumes totaling 409 pages, and it amounted to a vigorous defense of Mr. Otepka and seven other security officers who were victims along with him of the State Department purge of 1963.

That report, however, fails to explain why Mr. Otepka was persecuted. What motivated his enemies? Senate Minority Leader Everett Dirksen answered that question a year ago when he said:

"Why, it is perfectly obvious what their motivation was. The ultra-leftists in the Department of State saw Otepka as an obstacle to their plans. They had to remove him—and they did."

Those plans include disarmament treaties, limitations on American development of strategic space weapons, "bridges" to the Soviet Bloc and other so-called "one-world" schemes.

Mr. Otepka no doubt was an obstacle because he was not about to give security clearance to anyone with a record of subversive affiliations. And America was safer so long as that authority was his.

Americans should demand another purge in the State Department, a purge directed this time against ultra-leftists rather than patriots.

EXHIBIT 3

FULL TEXT OF THE OTEPKA BRIEF

(NOTE.—The following is the complete text[1] of the official brief in behalf of Otto Otepka filed with Edward A. Dragon, the hearing officer who presided over Otepka's State Department appeal. This brief was submitted by Otepka's attorney, Roger Robb, a partner in the Washington, D.C., law firm of Robb, Porter, Kistler and Parkinson. The circumstances leading up to the filing of the brief and the events that have transpired since are summarized in the preceding two pages of this special supplement.)

This is an appeal from the decision of Mr. John Ordway, chief, Personnel Operations Division, sustaining 13 charges against the appellant. The charges were preferred by a letter from Mr. Ordway to the appellant dated Sept. 23, 1963. The appellant filed his answer Oct. 14, 1963. By letter dated Nov. 5, 1963, Mr. Ordway found that all 13 charges contained in his letter of Sept. 23, 1963, were sustained. Mr. Otepka appealed from this decision on Nov. 14, 1963.

Mr. Ordway's letter of Sept. 23, 1963, setting out the charges against Mr. Otepka, recites in some detail that during the period March 13, 1963, the appellant's classified trash bag, referred to as a "burn bag," was subjected to continuous and covert inspection; that these "procedures" were "instituted" by direction of Mr. Otepka's superior, John F. Reilly, deputy assistant secretary for security. The letter further recites that certain carbon paper, copies, "clipped" and torn pieces of paper, referred to in the charges, were retrieved from the trash bag.

Following his description of the surveillance of the appellant's trash bag Mr. Ordway lists 13 charges against the appellant. Charges 1, 2 and 3 allege that the appellant conducted himself "in a manner unbecoming an officer of the Department of State" and committed a "breach of the standard of conduct expected of an officer of the Department of State," by furnishing copies of two memoranda and a copy of an investigative report to Mr. J. G. Sourwine, chief counsel, United States Senate Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws, of the Committee on the Judiciary. It is alleged that the furnishing of these papers was in violation of the Presidential Directive of March 13, 1948.

"MUTILATION" CHARGE

Charges 4, 6, 8 and 10 allege that the appellant was "responsible" for the declassification of classified documents, in violation of various sections of the department's Foreign Affairs Manual. Charges 5, 7, 9 and 11 relate to the same documents referred to in charges 4, 6, 8 and 10 and allege that the appellant was "responsible" for the "mutilation" of such documents in violation of 18 U.S.C. 2071, a criminal statute.

On Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to advise him whether it was alleged that Mr. Otepka personally clipped or mutiliated the documents in question, and if not then who was alleged to have done the clipping or mutilation. On Oct. 8, 1963, Mr. Ordway responded that it was not alleged that Mr. Otepka personally clipped or mutilated the documents. Mr. Ordway did not answer the question as to the identity of the person alleged to have done the clipping or mutilation.

Charges 12 and 13, contained in Mr. Ordway's letter of Sept. 23, 1963, allege that Mr. Otepka conducted himself "in a manner unbecoming an officer of the Department of State" by furnishing to Mr. J. G. Sourwine certain questions which were subsequently put by Mr. Sourwine to Mr. Otepka's superiors, John F. Reilly and David I. Belisle, when they appeared before the Senate Internal Security subcommittee. It is alleged that the furnishing of such questions was "a breach of the standard of conduct expected of an officer of the Department of State."

By his letter of Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to specify the regulation alleged to have been violated by such conduct of Mr. Otepka. Mr. Ordway responded by his letter of Oct. 8, 1963, that no allegation was made that such conduct violated a specific Department of State regulation.

Notwithstanding the decision of Mr. Ordway on Nov. 5, 1963, that all 13 charges against the appellant were sustained, the Department of State at the outset of the hearing on June 6, 1967 withdrew charges 4 to 13 inclusive. The hearing therefore related only to charges 1, 2 and 3 alleging that

[1] The text of the brief as here reprinted is exactly as in the original submitted to the hearing officer except that most parenthetical page references to other legal transcripts, appendices and exhibits have been removed, long paragraphs in the original have been subdivided into smaller paragraphs for easier reading, subheads have been inserted to break up the lengthy text. * * * The direct quotations in the brief come from testimony presented before the Senate Internal Security subcommittee or at the State Department hearing; those interested in checking the references should consult the annotated text of the brief that was inserted in the Congressional Record by Rep. John Ashbrook (R.-Ohio) on Dec. 14, 1967.

the appellant furnished certain documents to Mr. Sourwine, chief counsel of the Senate Internal Security subcommittee.

Each of the first three charges contains three elements, all of which must be proven if the charges are to be sustained. These elements are:

(1) That Mr. Otepka gave a certain classified document to Mr. Sourwine, the chief counsel of the Internal Security subcommittee of the Committee on the Judiciary of the United States Senate;

(2) That the giving of this document was a violation of the Presidential Directive dated March 13, 1948; and

(3) That this act by Mr. Otepka was conduct "unbecoming an officer of the Department of State" and "a breach of the standard of conduct expected of an officer of the Department of State."

The position of the appellant with respect to the issues posed by the first three charges was stated by his counsel in an opening statement to the Hearing Officer. Briefly, that position was and is:

(1) Mr. Otepka did in fact turn over the papers in question to Mr. Sourwine, who was acting in his official capacity as chief counsel of the Senate subcommittee.

(2) The papers given to Mr. Sourwine are not within the scope of the Presidential Directive of March 13, 1948, fairly and reasonably construed in the circumstances of this case. The papers contained information in the public domain, they did not contain loyalty or security information in the proper sense of that term, and there was no loyalty case pending or contemplated against any of the persons involved.

(3) In the circumstances of this case Mr. Otepka was under a duty to produce the specified papers as part of his testimony before the Senate committee. He was called as a witness in connection with certain testimony that had been given to the committee by his superior, John F. Reilly. He was asked whether that testimony was true or false. He said it was false, as in fact it was. In these circumstances it was his duty, imposed by his oath to tell the whole truth, to make a full disclosure to the committee, including production of the relevant documents. To the extent that Mr. Otepka failed to make a full disclosure and failed to produce the relevant documents, he would have condoned or shielded false testimony.

(4) The fact that the specified papers were classified "Confidential" or "Official Use Only" is immaterial, since Mr. Sourwine and the members of the Senate committee were authorized to receive such documents.

"GET OTEPKA" GROUP

(5) Any attempt by Mr. Otepka to bring the matter of Mr. Reilly's false testimony to the attention of his superiors in the Department of State would have been a vain and futile thing, and could only have resulted in suppression of the truth, for the reason that there was afoot in the State Department at that time, and there had been afoot for a long time previously, a well-organized conspiracy conceived, encouraged and led by Mr. Otepka's superiors, to destroy Otepka. The motivation behind this scheme to get rid of Otepka was that he constantly and resolutely insisted that sound and proper security practices be observed in the Department of State, whereas his superiors constantly endeavored to relax or bypass security restrictions or standards to the end that persons reasonably considered by Otepka to be of dubious character might be retained or appointed.

(6) With respect to the question of what constitutes "a manner unbecoming an officer of the Department of State" and what is "the standard of conduct expected of an officer of the Department of State," the position of the appellant was that the answer to this question is not to be found in any written definition, formula, or regulation, nor is it contained in the Presidential Directive of March 13, 1948. The answer must be derived from an examination and study of the patterns of conduct which in the past have been approved or disapproved by the Department of State, thereby establishing the mores or standards of the department. The conduct of Mr. Otepka must be judged against the standard so established to determine whether or not it falls below accepted standards, or is in violation of any such standards. Judged against such standards, the conduct of Mr. Otepka clearly does not fall below the standard and pattern which have been approved and accepted by the department in the past, and it is not a breach of any such standard.

The purpose of these charges is to liquidate Mr. Otepka, not because his conduct has been dishonorable, not because his conduct has been below the standards which should be expected of an officer of the Department of State, but solely because he has insisted upon the observance of proper security practices and standards, and because he has testified truthfully before a Senate committee.

This brief will examine the evidence developed at the hearing and set out the facts established thereby with respect to the foregoing issues. In accordance with the understanding reached at the conclusion of the hearing, matters of law will not be argued or discussed.

THE EXCELLENT RECORD OF OTTO F. OTEPKA

The reputation of Mr. Otepka for personal integrity is very high, and he "is regarded in his profession as one of the very best security men in the government, one of the most experienced, one of the most able" (Sourwine). His reputation and standing were attested by many witnesses who appeared before the Senate Internal Security subcommittee.

As for the testimony of Mr. Otepka before that committee, Mr. Sourwine stated, "Mr. Otepka's testimony had been very lengthy. And we have checked many, many things he has told us, and we have established, so far as we know, everything he told us was true."

Mr. Otepka was born May 6, 1915, and entered the federal service on July 1, 1936, as an assistant messenger in the Farm Credit Administration. In July 1942 he was appointed an investigator with the United States Civil Service Commission. He was employed by the Civil Service Commission as an investigator or as a personnel security specialist until June 1953, except for the period October 1943 until March 1946, when he served in the United States Navy as a personnel classification specialist.

On June 15, 1953, he transferred to the Department of State as a personnel security evaluator at the GS–13 level, in the Office of Security. On Oct. 25, 1954, he was promoted to chief of the Division of Evaluations in the Office of Security. On June 19, 1955, he was promoted to the GS–15 level, and on April 7, 1957, he was promoted to deputy director, Office of Security.

He served in this capacity until Jan. 21, 1962, when his position was abolished by a reduction in force and he was reassigned to the position he formerly held as chief of evaluations.

In 1942 and 1943 (excluding military service) Mr. Otepka's efficiency ratings as an employee of the Civil Service Commission were "Very Good," which was next to the highest rating that could be assigned. From 1946, when he returned from military service, until 1953, he received ratings of "Excellent." which was the highest attainable rating at that time.

During the period of Mr. Otepka's employment as an officer of the Department of State his performance ratings have been uniformly high and complimentary. Thus, for the period December 1953–December 1954, his supervisor's "narrative appraisal of over-all work performance" reads as follows:

"During the entire rating period officer has been chief of the Evaluations Division. In that capacity he has done an extraordinary job shaping a chaotic situation into an orderly, efficient and effective operation. He has displayed a high degree of administrative skill, an encyclopedic knowledge of pertinent rules, procedures and regulations, and a profound understanding of the history and background of subversive organizations and influence. He is gifted with the temperament, the judicial mind, and judgment which have contributed immeasurably to the thorough, objective and fair evaluations which have raised the production of his division to the highest professional standards. He is himself a drafting officer of unusual skill. His enthusiasm, willingness to give unstintingly of his time and effort, and his wholehearted cooperation have earned the respect of his superiors and subordinates alike and he has well earned a rating in the upper level of satisfactory."

"EXCEPTIONAL ABILITY"

For the period December 1954-December 1955, his supervisor's narrative appraisal of the Evaluation Division stated:

"Mr. Otepka has continued during this rating period to demonstrate exceptional ability in fulfilling the above work requirements. He has handled in an extraordinary manner cases of a highly complex and extremely sensitive nature and maintain excellent liaison relations with other areas in the department as well as other government agencies. His superior leadership enables such flexibility as to program the activities of his office to permit the expeditious liquidation of the normal workload as well as special projects assigned by higher officials within the time limitations established. He should be rated outstanding with regard to all aspects of his job requirements; however, since the established time schedule for the submission of an outstanding rating precludes the presentation of this rating, as outstanding the incumbent is being rated in the highest level with the satisfactory category."

For the period December 1955-December 1966, Mr. Otepka's supervisor recommended that his work as chief of the Evaluations Division be rated as "Outstanding." The justification for this rating stated in part:

"The subject during the rating period performed every aspect of the work requirements set forth in his job description in a superior and exemplary fashion. He has shown himself consistently to be capable of sound independent judgment, creative work, and the acceptance of unusual responsibility. His attitude, sustained effort and willingness to put the needs of the office and the department before personnel preference or convenience have set an example and provided an incentive to his subordinates and coworkers in the division and throughout the office.

"During the last several years the incumbent has directed the completion of the department's program for the re-evaluation of all employees of the department and American personnel of the foreign service under the standard as set forth in Executive Order 10450. In this effort he personnally completed a large number of evaluations on difficult or controversial cases, which have been recognized as outstanding examples of professional skill in the field of personal security evaluations. This crucial effort, which is the foundation for today's personnel security program within the department and the foreign service had to be completed by a target date established by the White House.

"In achieving this monumental task of reviewing and revalidating security clearances for thousands of employes, Mr. Otepka demonstrated exceptional executive ability in directing, training, and evaluating subordinate personnel and in other factors of managerial skill which contributed to the

creation of a productive and efficient organization.

"From its inception, the Federal Employes Security Program has been a controversial issue. Its objectives have been widely misunderstood and misinterpreted in addition to the handicaps of inexperienced assistants, paucity of standards, and shortage of time, Mr. Otepka was obliged to combat these misunderstandings and misinterpretations. This he accomplished as a result of his ability to interpret and apply security laws, and orders in a 'down-to-earth' level-headed manner, thereby avoiding much of the adverse publicity and contention which was associated with similar programs in other federal agencies.

"Other assignments of the officer which were completed during the period under review and which were of importance both to the department and to the internal security of the United States are of such a nature as to preclude for security reasons their inclusion and discussion in this record. Mr. Otepka has approached each of these assignments in the same reasonable manner and in each instance has concluded them in a manner that reflected credit upon the Department of State.

"His knowledge and experience of the entire security field resulted in his designation as the department's representative on the Subcommittee for Protection of Classified Government Data, Interdepartmental Committee on Internal Security. He has also served as the department's alternative representative on an ad hoc high-level, interdepartmental special committee studying communications intelligence security standards and practices.

"His services as a 'staff' adviser and assistant to the director of the Office of Security, the administrator of the Bureau of Security and Consular Affairs and to secretarial-level officers of the department can be categorized as truly indispensable. Mr. Otepka is a recognized authority within the government on rules, regulations and procedures affecting every phase of the federal personnel security program. He is a veritable encyclopedia of knowledge on communism and other opposing ideologies. He has above-average drafting ability with an unusual facility with words aided by a logical and trained legal mind.

"Mr. Otepka has prepared many of the communications and reports for the secretary, the under secretary or the deputy under secretary for administration relating to persons suspended or separated from the department or the foreign service under provisions of EO 10450. The same is true in connection with investigations made by Congress from time to time of the department's security program either specifically or as a part of a broader study.

"Mr. Otepka's understanding of the numerous and highly complex directives applicable to personnel security and his ability to interpret them practically and realistically has prevented his superior officers from stumbling into security administration pitfalls. He has sense for detecting danger points and bringing these to the attention of the appropriate senior officials with positive recommendations as to how they can be avoided.

"His persistent exposition of the difference between 'security' and 'suitability' risks, for example, has enabled the department to steer clear of the adverse publicity and embarrassment resulting from improperly reporting personnel security action to the Civil Service Commission and the subsequently attendant 'security numbers game' fiasco. For this, he has been cited by the administrator of SCA—Mr. McLeod, in his testimony before appropriation committees of Congress (Hearings Before the Subcommittee of the Committee on Appropriations, House of Representatives, 83rd Congress, Second Session).

"The improved relationships which the department has enjoyed with the Congress on matters relating to personnel security during the past year or two are due in no small part to the outstanding staff work done by Mr. Otepka in compiling and presenting full and complete information to the interested committees and individuals concerned" (emphasis supplied).

AWARD FROM DULLES

On June 19, 1957, the Performance Rating Committee, after considering the recommendation for an "Outstanding" rating for Mr. Otepka, decided that because of the "very stringent and limiting" criteria for an "Outstanding" rating Mr. Otepka's performance should be rated as "Satisfactory." In lieu of the "Outstanding" rating, for which he was recommended, Mr. Otepka received a Meritorious Service Award from the secretary of state, John Foster Dulles. This award, dated April 2, 1958 and signed by Mr. Dulles read as follows:

"Department of State, United States of America, Meritorious Service Award. Otto F. Otepka. For meritorious service, loyalty and devotion to duty as chief, Evaluations Division, Office of Security. Outstanding display of sound judgment, creative work and acceptance of unusual responsibilities, has reflected great credit on himself and the department and has served as an incentive to his colleagues."

For the period December 1956–1957, Mr. E. Tomlin Bailey, director of the Office of Security, submitted the following appraisal of Mr. Otepka's performance as deputy director:

"Mr. Otepka moved into his present position about the middle of April 1957. He has been constantly called upon by me for advice and recommendations, drawing upon his exceptional security background and high ability. During the whole period that he has served as deputy director we have had a shortage of senior personnel. This has required an unusual amount of detail work by him and placed upon him a primary burden in connection with the inspection of the Division of Evaluations by the foreign service inspectors. The inspectors and I relied upon him far more than anyone would ordinarily expect because of his knowledge of how its duties fitted into the other work of the office. In recent weeks, he has devoted his major effort to the study of the department's probably most celebrated security case. This has required a full application of his legal training as well as the characteristics already mentioned."

For the period December 1957–1958 Mr. Bailey filed the following appraisal of Mr. Otepka's performance as deputy director:

"I depend very heavily upon Mr. Otepka for substituting for me and advice. His long experience in the personnel security field places him among the top operating officials in this field in all of government. Much of his effort in the past year has been in the study and evaluation of the most difficult personnel case we have had in my experience, one which has been complicated from the points of view of both law and equity because of procedural errors and lack of action over the past 13 years.

"In spite of the demands of this case, Mr. Otepka has taken upon his shoulders an increased share of the operating responsibilities over these he carried at the beginning of the rating period. In addition, he has continued to serve successfully as the department's representative on an interdepartmental working committee on the application of EO 10501, the basic document providing for the protection of information by classification procedures, proper storage, controlled transmission and release."

(The "most difficult personnel case" referred to by Mr. Bailey was the case of John Stewart Service.)

For the period June 18, 1959–Sept. 30, 1960, Mr. William O. Boswell, director, Office of Security, filed the following appraisal of Mr. Otepka's performance as deputy director and acting director during Mr. Boswell's absence:

"Security being a new field for me, I have relied heavily on Mr. Otepka's advice and recommendations. He has had long experience with and has acquired an extremely broad knowledge of laws, regulations, rules, criteria and procedures in the field of personnel security. He is knowledgeable of communism and of its subversive efforts in the United States. To this he adds perspective, balance and good judgment, presenting his recommendations and decisions in clear, well-reasoned and meticulously drafted documents. "He has brought these attributes to bear during periods totaling almost four months when he has been acting director in my absence and throughout the rating period as the State Department representative on an intragovernmental committee concerned with security matters."

Mr. Otepka has received no performance ratings for the periods subsequent to the one ending Sept. 30, 1960. He attempted to secure such performance ratings by taking the matter up with his superiors, Mr. Boswell and Mr. Reilly, but without avail. Mr. Boswell subsequently testified before the Senate Internal Security subcommittee that he had made up his mind he was not going to give Mr. Otepka a performance rating unless he was directly ordered to do so by his superior, Mr. Crockett.

PATTERN OF HARASSMENT

On May 31, 1963, however, John F. Reilly, deputy assistant secretary for security, certified over his signature that Mr. Otepka's "work is of an acceptable level of competence," as a result of which Mr. Otepka was granted an administrative pay raise effective June 9, 1963.

In addition to the foregoing complimentary performance ratings and the meritorious service award received from the secretary of state, Mr. Otepka received other official commendations during the years 1955–1962.

A series of events, beginning as early as 1960, demonstrate that there was a design and purpose on the part of the appellant's superiors to "get rid of Otepka." Standing alone, none of these events would be conclusive; taken together, however, they establish a pattern fairly leading to the conclusion that Otepka's superiors at first undertook to diminish his influence and restrict his activities in security matters, and subsequently embarked upon a scheme to remove or purge him from the Department of State by a specious assignment, by harassment and by contrived charges of wrongdoing.

The events further reveal the motivation for this attack upon Otepka. Briefly stated, the motivation was that Otepka's insistence upon the observance of sound and proper security practice, and his proper refusal to approve the employment or retention of persons of dubious character and background, conflicted with the desires and policies of his superiors and of others in high places.

In October 1960 Mr. John W. Hanes Jr., administrator of the Bureau of Security and Consular Affairs and Mr. William O. Boswell, director, Office of Security, requested Otepka to undertake a special project, which was to bring up to date the personnel security files of all Department of State employes, correlating and bringing together in those files all pertinent and available personnel suitability and security information. It was estimated that this project would take two years to complete.

SPECIAL PROJECT

When he assigned Otepka to this project Mr. Boswell requested him to relinquish his position as deputy director in order that he might devote himself exclusively to the review of cases. Otepka declined to step down as deputy director.

Mr. Boswell stated at this time "that he disliked Scott McLeod and that he would take steps to eradicate the Scott McLeod image from the State Department." Otepka had served as a principal assistant to Scott McLeod. It appeared that Mr. Boswell, a Foreign Service officer, felt that during his term as administrator of the Bureau of Security and Consular Affairs, Mr. McLeod had damaged the morale and prestige of the Foreign Service.

By way of background to Mr. Boswell's aversion to the "Scott McLeod image" it should be noted that in 1956 Mr. Otepka, under McLeod's direction, prepared a comprehensive study to identify those cases of employes of the State Department on whom there had been developed a significant derogatory information of a security nature, either in the course of FBI investigations, or in the course of State Department investigations or investigations conducted by other agencies.

The study included 858 cases, together with a resume concerning each case. The information with respect to the individuals involved related principally to their sympathetic associations or affiliations with Communists or subversive organizations. Before action could be taken in the matter, however, "Mr. McLeod was appointed as ambassador to Ireland and the list and resumes were consigned to oblivion."

The prospectus for the Hanes-Boswell "special project," which Otepka submitted to Mr. Boswell in writing on May 8, 1961, referred to the 1956 list and resumes and proposed to use this material in connection with the new undertaking. The prospectus also pointed out that much personnel suitability or security information and many relevant security and intelligence reports relating to personnel had not been assimilated into the personnel security files.

Further, it was emphasized that in many cases character deficiencies on the part of employes had developed after security clearances had been granted, but had not been reflected in the files. The prospectus also referred to the fact that in certain cases derogatory information respecting employes in the department or at Foreign Service posts had been treated by their superiors on a confidential basis and withheld from the file of the employe involved.

In May 1961 Mr. Otepka organized a staff to assist him in carrying out the "special project." The members of the staff were Raymond Loughton, Harry Hite, John R. Norpel, Francis Gardner, Billy Hughes, Edwin Burkhardt, plus three clerical employes including Mr. Otepka's secretary Eunice Powers.

As we shall see, however, the special project was abandoned by direction of Otepka's superiors in April or May 1963. On June 27, 1963, Mr. Norpel and Mr. Hughes were detailed from the Division of Evaluations to the Investigations Division and Mrs. Powers was transferred to a low-level clerical job. The other members of the team were also scattered.

KENNEDY AIDED

In October 1960 a group of government officials, appointed by President Eisenhower, known as the Sprague Committee and including Allen Dulles, George Allen, Gordon Gray and C. D. Jackson, conducted a survey of United States prestige abroad for the White House. Their report was classified "Secret." The contents of the report were "leaked" by someone in the State Department to the public relations director of the Kennedy campaign headquarters, and the information so obtained was published in the New York *Times* and the Washington *Post*.

Otepka participated in the investigation of this "leak" and the identification of those involved, resulting in the separation of the employe responsible for conveying the information to the Kennedy headquarters. Subsequent to January 1961 the public relations director who received this classified information from the State Department in an unauthorized manner, and presumably passed it on to the press, became the head of the executive secretariat in the office of the secretary of state.

In December 1960 Otepka was selected to meet with Secretary of State Designate Dean Rusk and Attorney General Designate Robert Kennedy. The meeting took place in the evening, after office hours, in Mr. Rusk's temporary office. No one except Mr. Rusk, Mr. Kennedy and Mr. Otepka was present.

ROSTOW APPOINTMENT

Mr. Rusk informed Otepka that the purpose of the meeting was to discuss with him, as the top professional security officer in the State Department, his views with respect to the requirements of the department's security office for the investigation, evaluation and clearance of presidential appointees to the department. Otepka responded that he "would insist on complete adherence to the rule established by the Senate Foreign Relations Committee in 1954, stating that all executive nominations referred to it at the rank of assistant secretary or higher would be approved only upon certification to the Foreign Relations Committee that the person had been given a current full field investigation by the FBI."

A "question was raised as to whether there would be a strict adherence to the requirements for pre-appointment investigation." Otepka "recommended against the use of the emergency clearance authority"—that is, the waiver of pre-appointment investigations for officer personnel to be appointed to the department.

Having ascertained Otepka's general views Mr. Rusk informed him, at the December meeting, that the new Administration was considering the appointment of Walt Whitman Rostow to a key position in the department. He said he had gone over the substantive data in the file, which he had on his desk. Otepka was aked "what kind of security problem would be encountered regarding the appointment of Mr. Rostow to the department." Otepka responded that he was quite familiar with the file and Mr. Rusk accordingly asked for his views.

Otepka's familiarity with the file of Walt Whitman Rostow dated from 1955 when he evaluated Mr. Rostow as a prospective "key person" in a project to be undertaken under the auspices of the Operations Coordinating Board. The project was the formulation of psychological strategy in the Cold War. Persons employed on the project were required to have a security clearance under the strict standards prescribed by the United States Intelligence Board.

R.F.K.: "AIR FORCE JERKS"

As a part of his evaluation Otepka at this time reviewed the State Department file on Mr. Rostow, the CIA file and the results of reviews given to the case by both the CIA and the Department of the Air Force. The Air Force had previously made a security finding adverse to Mr. Rostow.

As a result of Otepka's findings, Under Secretary of State Herbert Hoover Jr., the chairman of the Operations Coordinating Board, decided that Mr. Rostow would not be utilized as an employe or consultant by the State Department in connection with the board's project. In other words, Mr. Rostow could not get the necessary clearance under the strict standards applicable to the Operations Coordinating Board.

Subsequently, in 1957, when Mr. Rostow was again recommended for employment in the State Department, Mr. Roderic O'Connor, administrator of the Bureau of Security and Consular Affairs, decided, on the basis of Otepka's 1955 summary, that Mr. Rostow was not desirable for employment. Mr. O'Connor's decision was predicated on the "political polices of the Administration."

After Otepka informed Mr. Rusk and Mr. Kennedy of the background of Mr. Rostow, Mr. Rusk made no comment, but Mr. Kennedy spoke disparagingly of the adverse finding that had been made by the Air Force. Specifically, Mr. Kennedy said "those Air Force guys are a bunch of jerks."

After the new Administration took office in 1961 Mr. Rostow was entered on the rolls of the White House, so that the State Department was not involved in his security clearance. He was investigated by the FBI in connection with his appointment to the White House. Subsequently he was transferred to the State Department. At present he is a special assistant to the President on National Security Affairs.

In September 1960 Charles Lyons was brought into the Division of Evaluations as deputy chief. Both Otepka and the then chief of the division, Mr. Emery J. Adams, objected to the assignment but were overruled.

The prior record of Mr. Lyons is significant. Just prior to his transfer to the position of deputy chief, Division of Evaluations, he had served for about two years as a security officer in Athens, Greece. An inspection of the post revealed that he had failed to disclose to his headquarters that there had occurred at the post 52 security violations involving official and "Confidential" material, 22 security violations involving "Secret" and "Top Secret" matters and approximately 125 security violations involving "Official Use Only" material.

These violations had occurred at different times, over a period of at least a year. Lyons ignored them all, although it was his duty to take action. Overruling the objections of Mr. Adams and Otepka to the assignment of Lyons as deputy chief, Division of Evaluations, Mr. William O. Boswell, the director of the Office of Security, wrote that "Lyons has made a serious error of judgment and must live with the consequences. In view of his demonstrated abilities and very good performance, I do not consider that this single error raises a fundamental question of his integrity, nor does it indicate such a degree of lack of respect for regulations, of reliability, or of judgment, as to warrant the action you propose.

Mr. Lyons advocated the "progressive approach" to security matters. Thus, in an efficiency rating prepared for the rating period ending Sept. 30, 1961, Mr. Lyons wrote, concerning the person being rated, and contrasting him with members of another school of thought:

"In common with other officers in the section, he is inhibited by the ultra-conservative attitude which seems to have grown up in the Personnel Security Administration of the department over the past number of years, and which is reflected in making a monument of tradition, leaving little room for individual opinion or new approaches. The result is that individual personnel security cases must be decided on a strict *corpus juris* basis, and even in their physical format must adhere to strict traditional concepts. Mr. ——— personally is of a much more liberal bent, and with the gradual dissipation which is now evident of the old guard concepts which dominated the personnel security program. I feel that Mr. ——— is well suited to be in the vanguard of the more progressive approach now demanded.

"He has a commendable distaste for red tape and if he could be made to feel that direct realistic action would not be rejected, he could do much to advance the currency and effectiveness of the Security Program."

The conduct of Mr. Lyons as Otepka's deputy was such that Otepka complained about him to Mr. Boswell. As a result, Mr. Boswell temporarily transferred Lyons into the Investigations Division and then put him

on Boswell's personal staff as executive director, thus making him his top executive assistant.

WIELAND CASE

One of the first cases examined by Otepka in connection with the "special project" was the case of a high-ranking officer, William A. Wieland. In August 1961 Otepka, who had personally evaluated this case, completed an extensive summary and analysis of the case, together with a digest containing some 136 pages.

Otepka's presentation dealt with allegations that Wieland, as the recipient of significant intelligence information indicating that Fidel Castro was a Communist and a person not to be supported by the United States, had concealed such information, made false statements, and exercised extremely bad judgment. The report and digest correlated material provided by Office of Security and FBI investigations, as well as intelligence reports. Otepka recommended that the board of the Foreign Service should consider the case, to determine whether or not Wieland had been guilty of misconduct under the Foreign Service Act.

Otepka presented his report and digest to Mr. Boswell, who had primary responsibility in the matter, but Boswell instructed him to carry the material directly to the office of the deputy under secretary for administration, Mr. Jones. Otepka complied with Boswell's instructions.

He was also instructed by Mr. Pollack, a member of the staff of the then assistant secretary for administration, Mr. Crockett, to provide a copy of his digest for Abram Chayes, the department's top legal adviser, and a copy for John Siegenthaler, special assistant to Atty. Gen. Kennedy. He furnished the copies as instructed. The connection of the attorney general with the matter was not explained.

Shortly thereafter, in September 1961, Boswell orally instructed Otepka to issue a security clearance on Wieland. Otepka replied that the department regulations and practices required a written decision on his recommendation—which was true—and that he could not act on or close out a case on the basis of an oral instruction. Otepka therefore held the case awaiting further instructions.

Late in October 1961 the Department of State announced in a press release that a general reduction in force in the department would be made, because of reduced appropriations. On Nov. 1, 1961, Boswell sent for Otepka and informed him that 25 persons in the Office of Security would be affected by the reduction in force. He stated bluntly to Otepka "your name heads the list."

He requested that Otepka voluntarily relinquish his position as deputy director in order to avoid a "bumping" procedure, which would enable Otepka to displace another career employe in his occupational specialty, with lower retention rights. Otepka refused to waive his "bumping" rights.

Boswell then sent for Elmer Hipsley, chief of the Division of Physical Security and a friend of Otepka, and told him that "your friend, Otepka, is going to displace you in your position." It turned out, however, that the "bumping" was avoided, when the position of chief, Division of Evaluations, was vacated by Emery J. Adams and Otepka was reassigned to that position, in lieu of becoming the chief of the Division of Physical Security, then headed by Hipsley.

SECURITY REORGANIZATION

The reduction in force in the Office of Security, and in particular its impact on Otepka, resulted in an inquiry by Sen. Karl E. Mundt and an investigation by the Senate Internal Security subcommittee. Both Otepka and Hipsley testified during this investigation.

In December 1961 Otepka considered the case of John L. Topping, a career Foreign Service officer who had served in Cuba during the critical period when Castro rose to power. As in the Wieland case, it was alleged that Topping had displayed strong partiality to Castro while downgrading the president of the government of Cuba.

Otepka recommended that the allegations concerning Topping be investigated by the Federal Bureau of Investigation. He pointed out that the State Department investigation of Wieland had been inept, that information about Wieland's past activities had been ignored or glossed over and that some of the investigators who were members of the Foreign Service were sympathetic to Wieland and allowed their sympathy to color their reports.

He said "that the FBI had greater resources in this kind of situation and they had done an excellent job in the Wieland case and [he] thought they should develop all of the leads in the Topping affair." Boswell insisted that Topping be investigated by the Office of Security. After Otepka's removal from participation in the day-to-day operations of the Evaluations Division, Mr. Topping was cleared and became the United States representative to the Council of the American States.

In January 1962 Boswell made a sweeping reorganization of the Office of Security. He abolished the position of deputy director, Office of Security, which Otepka held, and abolished the Division of Physical Security which Mr. Hipsley headed. From the Division of Physical Security Boswell created three separate divisions. He assigned Foreign Service officers to head two of them and made Mr. Hipsley chief of the third. Mr. Hipsley's authority was considerably reduced. Otepka's authority was also greatly reduced, when he was "bumped down" to the position of chief, Division of Evaluations.

As a result of the reorganization there were five division chiefs instead of three. The five men who had been working with Otepka on the special project were transferred with him to the Division of Evaluations. The workload of the Division of Evaluations was such that the special project team was required to give full time to routine matters and the special project was abandoned.

POINTED QUESTION

On Jan. 24, 1962, during a press conference, a newspaper reporter questioned President Kennedy about William A. Wieland, whom the reporter described as a security risk. The reporter's statement was challenged by the President. Immediately thereafter, Boswell instructed Otepka in writing to issue a security clearance for Wieland, and Otepka complied.

In February 1962, however, Otepka developed new evidence indicating that Wieland had made a false statement to Otepka and co-evaluator Harry Hite with respect to the number of times that Wieland had personally met with Fidel Castro. Accordingly, Otepka recommended to Boswell that the Wieland case be reopened, reinvestigated and readjudicated. Boswell ignored the recommendation.

Upon resuming his position as chief of the Division of Evaluations and taking immediate charge of the work of that office, Otepka reviewed the clearances that had been granted to high-ranking appointees of the Department of State in the year 1961. He found gross irregularities in the handling of these clearances.

The irregularities involved the granting of emergency clearances or waivers to persons who were being assigned to positions or nominated to positions on the presidential level requiring Senate confirmation. Waivers of investigation had been granted to persons who should have been investigated before appointment, because there was unresolved derogatory security information in their files. Clearances had been backdated so that they would conform to the actual dates when the persons cleared entered on duty. Otepka also found cases in which waivers had been back-dated, some of them as much as 40 days.

Otepka reported these matters to Mr. Boswell orally in February 1962. Although the procedures followed were in violation of regulations, Boswell was not impressed, but said in substance that these cases had been handled according to the prerogatives of management, and that Otepka was not to interfere.

BACKDATED CLEARANCES

On March 17, 1962, Otepka gave Boswell a memorandum describing the cases which he had uncovered. Boswell at this itme instructed Otepka not to participate further in the survey but to turn everything over to him and he then turned it over to the Foreign Service Inspection Corps for investigation.

This investigation confirmed the statements made by Otepka. In fact, it was discovered that in one case a clearance had been back-dated 135 days, and in another case the clearance had been back-dated 65 days. There were 152 waivers and 44 back-dated clearances.

On March 8, 1962, in the course of testimony before the Senate Internal Security subcommittee, Mr. Boswell and Mr. Jones both denied any knowledge of the backdating of clearances. On April 12, 1962, Otepka testified before the Internal Security subcommittee that he had brought the matter of the back-dating irregularities to Boswell's attention orally in the latter part of February 1962, and later had given him a memorandum in which a number of cases were identified. Otepka's testimony squarely conflicted with the testimony of Boswell.

The findings of the Foreign Service investigators with respect to back-dating irregularities were reported to the Senate Internal Security subcommittee in March, April and May 1962.

On March 8, 1962, Otepka sent Boswell a summary evaluation of a prospective presidential employe. The summary recited among other matters that in November 1960 the prospective nominee had picked up his wife bodily, carried her from their house into a public street, kicked her and had then taken her clothing from the house and strewed it on the lawn, over the shrubbery and into the street. The episode was witnessed by neighbors and was reported to the police.

Boswell returned the summary to Otepka with a note stating "the gory details of a family fight have nothing to do with security or suitability." The summary was therefore rewritten and the information concerning the episode in question was deleted, except for a brief reference to it without details. As a result the matter was not fully and properly brought to the attention of the secretary of state.

This incident troubled and confused the evaluators on Otepka's staff who, in the past, had been instructed by their superiors to present all pertinent information relating to security and suitability and to the preemployment personal conduct of individuals under consideration, for the specific attention of the responsible managerial officials. Deletion of such information was a violation of the professional duty of evaluators to report the facts in an objective manner.

In April 1962 Boswell transferred from the jurisdiction of Otepka the functions of receiving, reviewing, evaluating and disseminating intelligence information received from the FBI, the CIA and other intelligence agencies.

This function was important to the accomplishment of the work being carried out by Otepka. This had been pointed out in February 1962, in testimony before the House Judiciary Committee by Mr. John W. Hanes. Mr. Hanes emphasized the importance of the correlation of all available information by evaluators.

SISS HEARING

In his testimony before the Senate Internal Security subcommittee in April 1962, Otepka testified to the facts with respect to the handling of the Wieland case by the Department of State, so far as he knew them. Following Otepka's testimony, on April 12, 1962, the record shows that the following statements were made:

"Sen. Hruska: I want to say I have been very much impressed with your testimony, Mr. Otepka, and the fashion in which you have comported yourself here. It has been a difficult field you are in, stretching over many years, with, of course, voluminous records and complicated procedures, and I thought that it was very well done.

"Mr. Otepka: Thank you, Senator.

"Mr. Sourwine: And I would like to add that I may have been a little rough on Mr. Otepka today, for which I apologize, as far as anything personal is concerned. I have been trying to get the facts into the record. I think Mr. Otepka has done a magnificent job of trying to protect those matters which he feels he is required by the department to protect, and at the same time I will say frankly I think he has gone a long way towards putting his neck on the chopping block by answering those questions which he felt he could answer.

"And I want to suggest on the record for this member here and for those who were not here but who will read it, to me the record seems to indicate that Mr. Otepka is on the downgrade in the State Department. He is being shunted aside. He is being given lighter and lighter responsibilities. And I can come to no other conclusion than the fact his conduct in the Wieland case and other cases and his insistence upon what he considers good security is harming his career in the State Department. And I think that is a matter most to be deplored, and I urge the committee to do whatever it can."

On April 16, 1962, Mr. Boswell was succeeded as director of the Office of Security by John F. Reilly. Just before his departure, Boswell obtained and examined the security file of John Paton Davies. Although he asked Otepka questions about the file, he did not disclose the purpose of his study.

Davies was a career Foreign Service officer who had been dismissed as a security risk under Executive Order 10450. The charges against Davies involved alleged disclosure of classified information and sympathy with the cause of Chinese Communists. Otepka had evaluated the case in 1954.

John F. Reilly had served as an attorney in the Department of Justice from 1951 until 1961, when he transferred to the Federal Communications Commission. After serving for approximately 11 months with the Federal Communications Commission he transferred to the Department of State as Boswell's replacement. He was recommended to the Department of State by Mr. Andrew Oehmann, who was executive assistant to Atty. Gen. Robert F. Kennedy.

In a conversation shortly before Reilly came on duty, Boswell told him that he had been having difficulty with Otepka, that he was concerned about leaks from the Office of Security to the staff of the Senate Internal Security subcommittee, for which he suspected Otepka was responsible. He said specifically that he believed Otepka had informed the subcommittee about the back-dating of waivers, that he was upset or concerned about that.

It was Reilly's definite understanding from Boswell that he, Boswell, had been trying to "get Otepka out"; and Reilly continued this effort. In fact, in testimony before the Senate Internal Security subcommittee on Nov. 15, 1963, Reilly admitted that at some time in 1963 he might "well have said . . . facetiously" that he "went down there to get Otepka."

Although Boswell in his subsequent testimony before the Senate Internal Security subcommittee denied that he tried to get rid of Otepka or intended to indicate to Reilly that he was making any such effort, he admitted that he had discussed Otepka with Reilly and that he had in fact found Otepka "troublesome."

WAR COLLEGE PLOY

He said Otepka was troublesome because of his reluctance to accept the decisions of his superiors, and he mentioned the Wieland case matter as one instance of this difficulty. He admitted further that he had refused to give Otepka an efficiency report and was not going to do it unless ordered to do it by Mr. Crockett.

Promptly after he took office as director of the Office of Security Reilly acted to move Otepka out of that office.

On May 7, 1962, he called Otepka into his office and opened the conversation by saying "where is your rabbit's foot?" When Otepka asked what he meant, he said that Otepka had been recommended to attend the National War College course which began in August 1962 and which lasted for 10 months. He asked Otepka to indicate in writing whether he would be willing to attend the War College.

The next day, May 8, Otepka sent Reilly a memorandum stating in part, "I am pleased that I have been accorded this honor which came as a distinct surprise to me in the light of recent organizational changes in SY." The phrase "the recent organizational changes in SY" referred to the professed intention and plan of the department to utilize Otepka's special talents exclusively in personnel security administration.

Reilly directed Otepka to delete the reference to his surprise and to the recent organizational changes and to submit a statement indicating only his acceptance or rejection of the assignment. Otepka complied with this instruction.

Having received Otepka's revised acceptance, Reilly wrote a memorandum for his superiors, praising Otepka for "his ability and his dedication to the security program," and stating "Selection for the National War College is a high honor for a career officer and offers almost unlimited opportunity for career development. Therefore, although releasing Mr. Otepka will work a hardship on the Office of Security, it is my view that I should not stand in Mr. Otepka's way, and accordingly, I recommend that he be released as he has requested."

Otepka became suspicious of the motivation underlying his assignment to the National War College. Looking into the matter, he found that normally selections for the National War College are made in January and February of the year in which the term of attendance begins.

He was informed that the Office of Personnel had given no routine consideration to his selection and that the recommendation in his case had come as a surprise to that office. He was aware also that advanced training in foreign affairs at the War College was not needed in connection with his job in personnel security administration.

He inquired of Reilly as to what his future would be in the State Department in the security field, pointing out to Reilly that persons selected for the War College were returned to their jobs when their training was finished. This was true always with respect to members of the classified Civil Service as distinguished from Foreign Service officers.

Reilly informed Otepka that he would "fill in behind" him with another person, that he had no plans for returning Otepka to the field of personnel security administration and specifically he had no plans for returning him to the Office of Security; that there would be no place for him in that office.

In the light of these circumstances Otepka "smelled a rat"; that is, he concluded that the assignment was being given to him for the purpose of getting him out of security. Accordingly, on June 5, 1962, he orally requested that his nomination be withdrawn; and on June 14, 1962 he formally declined the appointment.

On June 7, 1962, two days after Otepka orally declined the assignment to the National War College, the deputy under secretary for administration, Roger Jones, testified before the Senate Internal Security subcommittee that the primary reason for the assignment of Otepka to the War College was that he "seemed to his prior supervisor, Mr. Boswell and his present supervisor, Mr. Reilly, to be a tired and worried man on whom responsibility had closed in to the point where he needed a break." Jones testified that the purpose of the assignment was to give Otepka "a chance to recharge his battery."

No previous suggestion had been made to Otepka by any of his superiors that he was tired or overworked, or that his battery needed recharging, and in fact he was neither tired, overworked nor in need of recharging.

In June 1962 Frederick Traband was assigned to Otepka's office as his deputy. Traband had been serving in the Division of Investigations, where his most significant experience was in the investigation of cases of State Department employes and applicants suspected or accused of homosexual perversion. Reilly assigned him as Otepka's deputy without consultation with Otepka.

On July 1, 1962, David Belisle was appointed as a special assistant to Reilly, in which capacity he acted as deputy director of the division. Otepka was informed that Belisle was his superior and a person with whom he, Otepka, must consult in order to get to Reilly.

STAFF FRICTION

Belisle came to the State Department from the National Security Agency, where he had served as deputy director of the Security Office. He was a friend of Reilly, who was responsible for bringing him to the Department of State. Traband and Belisle participated in the subsequent surveillance of Otepka, and signed statements from them are attached to the charges preferred against Otepka.

Friction soon developed between Traband and Raymond Loughton, a member of Otepka's staff. Loughton had come to the Department of State from the office of the secretary of defense where he was deputy chief of security. He had wide experience as an evaluator, especially in the field of Communist subversive activities, having served as a ranking evaluator on the Loyalty Review Board of the Civil Service Commission. It was Otepka's wish that in view of Loughton's extensive experience he should share in the administration of the division with Mr. Traband and this was resented by Traband.

In July 1962 the Division of Investigations considered the case of a prospective nominee to a position as ambassador. The individual involved had been the subject of an investigation by the FBI involving fraud against the government. Although the Department of Justice had ruled that no criminal prosecution for fraud was warranted, the file reflected a number of unresolved allegations bearing on the security standards and criteria of Executive Order 10450.

Loughton took the position, and Otepka concurred, that the refusal of the Department of Justice to prosecute was not controlling; that under the regulations the Department of State was required to consider the matter independently, in the context of the security standards. Reilly insisted that the Department of Justice having determined that no prosecution would lie, that was the end of the matter.

After a number of discussions between Otepka and Loughton on the one hand, and Reilly and Belisle on the other, Reilly or-

dered that the individual be cleared, despite the strong objections of Otepka and Loughton. The unresolved allegations of fraud were never resolved.

The treatment of the matter was not consistent with the regulations. It appeared to Otepka that "Mr. Reilly was simply trying to accommodate someone higher up rather than give rigid application to the security rules and criteria of the State Department."

In July 1962, at the request of Mr. Harlan Cleveland, assistant secretary of state for International Organization Affairs, Otepka talked with him about the case of Irving Swerdlow. Swerdlow had been recommended by Cleveland for a position in the Department of State. Mr. Cleveland and Mr. Swerdlow had served together in the Economic Cooperation Administration (later known as the Mutual Security Agency) and had also been associated at the University of Syracuse.

QUESTION ABOUT HISS

Mr. Cleveland asked Otepka about the delay in the security processing of Swerdlow's appointment. Otepka answered that he foresaw no early completion of the Swerdlow investigation and evaluation. He expressed doubt that clearance could be issued until a number of matters appearing in the records and files could be considered and resolved by the Office of Security, which would take a long time.

Otepka noted that Swerdlow had been dismissed as a security risk by the Mutual Security Agency, and that the top security officer in the agency had commented "that Swerdlow's security file was one of the rottenest he had ever seen." Cleveland responded with critical remarks about the administrator of the Mutual Security Agency, Harold Stassen. He said that Stassen had extreme views with respect to security.

Cleveland then asked "if there were any prospects for the re-employment of Alger Hiss in the United States government." Otepka said there was no "chance for Alger Hiss to be re-employed in any government agency because by operation of law, a person convicted of a felony is barred from a federal job. Otepka reported his conversation with Mr. Cleveland to Reilly.

Swerdlow was subsequently appointed to a position in the State Department. His case was evaluated by the man who had been described by Charles Lyons in 1961 as of a "liberal bent" and "well suited to be in the vanguard of the more progressive approach now demanded."

HARLAN CLEVELAND

As a result of his conversation with Cleveland and particularly because of Cleveland's interest in Swerdlow and Alger Hiss, Otepka reviewed Cleveland's security file. This review was also prompted by the fact that Emery Adams, then chief of the Division of Evaluations, who had handled the security clearance of Cleveland, had told Otepka that pressure was exerted on him to grant Cleveland a waiver without the completion of a background investigation.

Adams had protested, pointing to the file showing that Cleveland had interceded for 11 employes of the Economic Cooperation Administration and its successor agencies, whose removal as security risks had been sought by the Security Office. Adams recommended that Cleveland be denied a security clearance, but he was instructed to issue a clearance and did so; however, at that time he alerted Otepka to the need for maintaining the proper continuing security surveillance over the activity of Mr. Cleveland in the State Department.

Otepka's review of the file also disclosed that in his senior class year book at Princeton, Cleveland had recorded his political affiliation as "Socialist." Further, the file revealed that Cleveland had been highly critical of security procedures and security officers and had been active in recommending reforms in government security programs which "would have made it a lot easier for persons like Mr. Swerdlow to get into the government without adequate background investigation."

Pursuant to his duty to maintain a continuing security surveillance over Mr. Cleveland's activities in the State Department, Otepka established a special file in his office in which he recorded his observations as to the persons Mr. Cleveland was bringing into the department. He placed in the file portions of FBI reports and other reports of security officers of the department or of other agencies.

The file was kept in his immediate office in a small safe adjacent to his desk. As we shall see, this safe was subsequently drilled, opened and searched in the course of Mr. Reilly's clandestine surveillance of Otepka.

On July 30, 1962, the New York *Times* published a letter signed by one Leonard B. Boudin. The letter appeared under the heading "Screening U.N. Employes." In his letter Boudin complained about the security screening of U.N. employes. He said that "the careers of many devoted and brilliant international civil servants were destroyed in the hysteria of the 1950s."

BOUDIN'S COMPLAINTS

He deplored the fact that "the United States government is still enforcing President Truman's and President Eisenhower's Executive Orders which screen, on political grounds, American employes of the United Nations and other international organizations. The expressed criteria include membership on the attorney general's list; the sources include derogatory information in congressional committee files; the procedures are based on undisclosed evidence. Such screening is inconsistent with the Charter's principle . . . the present Administration would now score a major achievement if it were to . . . eliminate its so-called loyalty program in the international field." In the course of his discussion Boudin mentioned the resignation of Andrew Cordier from the U.N. secretariat.

Otepka knew that Leonard Boudin had for many years been intimately involved with the Communist party and Communist affairs. He had been active in defending persons against allegations of communism, and had represented certain officials of the United Nations who were dismissed after refusing to answer questions put to them by the Senate Internal Security subcommittee.

An official in the Department of Justice sent Reilly a clipping from the New York *Times* containing the Boudin letter of July 30, 1962. The clipping, covered by a Department of Justice "routine slip" with a personal note in longhand addressed to Reilly, reached him Aug. 1, 1962. On Aug. 3, 1962, Reilly initialed the slip and sent it, together with the clipping, to Otepka.

In August 1962 Otepka was officially informed by memoranda to the Office of Security that Harlan Cleveland wished to set up an Advisory Committee on International Organizations. Mr. Cleveland had personally selected the eight members of the committee. He wished them to be appointed immediately without preappointment investigation—in other words, he wished to invoke the waiver procedures.

Otepka objected, pointing out that earlier in the year emergency clearances had been curtailed and further pointing out that background data on certain of the individuals involved required a full investigation and a careful review of the results of that investigation before their entry on duty. Otepka documented his objections in memoranda to Reilly, one of which, the memorandum of Sept. 10, 1962, is State Department Exhibit 7, which is the basis of Charge No. 1.

COMMITTEE DISPUTE

Otepka was especially concerned about three of the men selected by Mr. Cleveland for membership on his committee. These three men were Harding Bancroft, Ernest Gross and Andrew Cordier—the same individual mentioned by Mr. Boudin in his letter. The record revealed that one or more of these men had served on the personal staff of Alger Hiss in the State Department, that all three had close and sympathetic associations with him, that they had stated they did not believe in his guilt, and that in their opinion he was not a security risk.

In Otepka's opinion this derogatory security information demanded complete resolution before these persons were appointed. Otepka brought these matters to Reilly's attention by memoranda.

The objections of Otepka were met or circumvented by Cleveland and Reilly, who decided that the members of the committee "would be entered on the rolls of the State Department as consultants, and that they would serve on an ad hoc basis, that the positions to which they would be appointed would be designated as nonsensitive rather than sensitive as initially proposed. Therefore, under the security procedures these individuals could be given assignments in the department without a prior investigation—that is, before appointment—with the explicit understanding that they would be given access to only such information as they needed in the performance of their work on the committee, and not to have any general access to any other information normally available to people in the State Department who have full clearance."

On Feb. 19, 1963, the Advisory Committee submitted a draft report to the Department of State and the report was circulated in the department. Otepka obtained a copy of this draft report from a member of the Bureau of International Organizations, which was headed by Mr. Cleveland. He discovered that recommendations in the draft report coincided with the position taken by Boudin in his letter to the New York *Times;* they would have implemented the suggestion of Boudin that pre-employment investigation of American appointees to U.N. agencies be dispensed with.

Otepka observed further that in general the draft report recommended a reversion to the program and procedures advocated and administered by Alger Hiss for the screening of American personnel in the United Nations. In this connection Otepka recalled that in 1946 Hiss had prepared a list of 200 people whose names were submitted by the State Department to the U.N. as possible appointees to U.N. jobs. It turned out that 40 of these persons who had subversive connections were later dismissed from the United Nations, and 26 of the 40 invoked the plea of incrimination while testifying before the Senate Internal Security subcommittee.

Otepka brought the February 19 draft report to the attention of Reilly, and gave him a detailed memorandum setting out the facts and Otepka's views. Otepka never learned what Reilly's views were. "He kept telling me that he didn't have time to read my recommendations and suggestions."

On April 22, 1963, the Advisory Committee submitted a revised draft of its report, from which the recommendations coinciding with the views of Boudin and Hiss had been stricken.

In August 1962 another episode, involving Otepka and proposed appointments to an Advisory Committee, reached a conclusion. This episode began in February 1962 when the State Department's Bureau of Cultural Affairs proposed the establishment of an Advisory Committee on the Arts, consisting of members who would be placed on the rolls of the State Department, and would give guidance to the department's program for sending cultural presentation abroad. The

program involved visits to the Soviet Union and its captive nations by United States cultural groups.

The names of 10 individuals who were nominated to serve on this committee were sent to Otepka by the Bureau of Cultural Affairs, with a request that the nominees be excused from completing government security questionnaires and other forms, and be placed on the rolls without investigation, but subject to post-appointment investigation.

Otepka protested strongly, pointing out that it was his duty to enforce the law and that the law required pre-appointment investigations and the completion of security processing forms. He said he would not be a party to any circumvention of required security practices.

He was particularly concerned with four of the nominees, because of their questionable past affiliations with Communist organizations and he demanded that they be subjected to full background investigations and that each of the appointees complete the required forms. These forms required the appointees to state any affiliation they might have had with organizations on the attorney general's list. Otepka was advised that one of the appointees positively refused to submit the forms and another would resist any order requiring him to complete them.

Otepka discussed the matter of the two appointees with Reilly, who "was very anxious to assist the Bureau of Cultural Affairs." Reilly "had the FBI run a special-type investigation without the use, as they normally should have had, of government security questionnaires completed by such individuals." The results of the investigation, which was in fact cursory, were submitted to Otepka.

Reilly tried to persuade Otepka to make a security determination on the basis of this investigation, without the information and explanations that would have been contained in the security forms. Reilly said that the two individuals need not fill out personal history questionnaires before appointment. In a memorandum dated June 12, 1962, Otepka rejected Reilly's proposal.

FLEXIBLE RULES?

In this memorandum Otepka insisted that a full field investigation and an interview with each nominee was necessary, in view of their associations with many Communist organizations. He stated "no professionally competent evaluator who knows the Communist movement in the United States can favorably rationalize the conduct of either person from the available data." He pointed out that full field investigations and interviews were required by the regulations, by which professional security officers were bound; and that the intellectual brilliance and distinction of the persons involved did not exempt them from compliance with the rules.

He concluded: "If the present security rules are to be tempered to suit individuals rather than government, then I think someone in authority should change the rules so that those of us on the operating level who must follow rules may not be confused as to how and when to determine the security reliability of the privileged nonconformists as compared to those who do not join or lend their support to Communist causes."

Otepka was overruled by Reilly, who in August 1962 instructed Otepka to grant security clearances to the two individuals. Otepka complied, although security questionnaires had not been filed by the appointees and no adequate investigation had been made.

However, Otepka informed the Office of Personnel of the details of the cases, and as a result one of the individuals was not appointed because of the derogatory information in his file, and the other was dropped from consideration when he refused to complete the necessary forms. The action of the personnel office of course became known to Reilly.

In August 1962 Reilly was promoted to the rank of deputy assistant secretary for security. Belisle continued to hold the title of special assistant, but in fact exercised the functions of deputy director of the Office of Security.

He and Reilly accelerated their harassment of Otepka. Belisle began to send Otepka "all sorts of hand-written notes scrawled on calendar pads, torn ends of paper or on the reverse side of memo pads criticizing [his] evaluations or questioning the content of some of [his] evaluator's reports." Neatly typed correspondence setting out evaluative findings or the position of the Office of Security was returned to Otepka "with inked or penciled notations scrawled across the face of it."

STAFF INDIGNITIES

Sometimes Mrs. Mary Catucci, secretary to Reilly and Belisle, would relay their instructions to Otepka through Otepka's secretary. On one occasion Mrs. Catucci burst into a rage, cursed Otepka and threw objects around the room. On another occasion she threw herself on a couch and tore her hair. Complaints by Otepka about this behavior brought only the comment from Reilly that this was a personal matter between him and Mrs. Catucci.

The men on Otepka's staff were subjected to the same kind of harassment and indignity. Reilly told Otepka that Gardner was puerile. He told Loughton that there was no future for him in the Office of Security, and he frequently informed Otepka that he, Reilly, had an unfavorable impression of Loughton.

Hite was reprimanded by longhand notes to him from Belisle, criticizing the content of summaries in his evaluation reports. These notes sometimes went directly to Hite without being called to Otepka's attention. Hipsley, who had taken a new position as chief of Domestic Security, found his authority so reduced and he was so harassed by members of his staff who had been brought in by Boswell and Reilly, that he decided to accept an offer from Reilly to go to Geneva, Switzerland, as a conference security officer. He was succeeded by the obscure subordinate, Joseph Rosetti. Rosetti afterwards became a member of the burn-bag team that surveilled Otepka's trash, and a statement from Rosetti is attached to the charges against Otepka.

On the other hand, Otepka's other subordinates, Traband, Sabin and Bock, seemed to be immune from criticism and were frequent visitors of the offices of Reilly and Belisle. At about this time also Belisle was designated by Reilly as his top adviser on personnel security.

In October 1962 Reilly and Belisle issued instructions that field investigators in the Division of Investigations would submit reports of investigations containing only their conclusions as to the nature of information obtained from witnesses. This changed the established security procedure whereby investigators were required to state the testimony of witnesses in detail.

NEW PROCEDURES

Under the new practice, the investigator merely listed the identity of the witnesses interviewed and then stated that no derogatory information was revealed. The new practice of course made the investigator an evaluator. Otepka protested, upon the ground that investigators were "ill-equipped by lack of training and knowledge to determine what constituted derogatory information." Reilly overruled Otepka and issued an order putting his plan into effect.

This was the origin of the controversy concerning "short form reporting" which afterwards developed before the Senate Internal Security subcommittee and concerning which both Reilly and Otepka testified at some length. The Fogltanz report, State Department Exhibit 9, which is the basis of Charge No. 3, is relevant to this controversy.

Concurrently with his order for short form reporting, Reilly authorized members of the investigation division to grant security clearances to clerical personnel if, in their opinion, a report of investigation on an applicant was entirely favorable. At the same time Reilly delegated to personnel in the file room the authority to receive the results of national agency checks from the Civil Service Commission in the case of clerical personnel, and he authorized emergency security clearances if, in the opinion of the file room personnel, no derogatory information was revealed.

Otepka protested against these orders, as relaxation of proper security practices, but to no avail.

Again, concurrently with Reilly's change in the security practices, Belisle instructed Otepka that with certain exceptions investigative reports should be withheld from the Office of Personnel. This order made it impossible for the personnel office to exercise an independent judgment as to the suitability of an appointeee, upon the basis of all the information gathered by the Office of Security. The independent judgment of the personnel office had resulted in the rejection of the two appointees to the Advisory Committee on the Arts, whose files Otepka had sent to the Personnel Office.

The new security practices instituted by Reilly and Belisle were in many respects similar to the practices which had been in effect at the National Security Agency during the period when Belisle was deputy director of the agency's Office of Security. Because of these practices the National Security Agency had failed to detect serious derogatory data in the files of Bernon F. Mitchell and William H. Martin, two crytology experts who defected to the Soviet Union.

Their defection was the subject of an investigation by the Committee on Un-American Activities of the House of Representatives, which on Aug. 13, 1962, issued a report pointing out deficiencies in the National Security Agency's security practices. The practices criticized were the same as those instituted by Reilly and Belisle, and the deficiencies identified were the same as those pointed out by Otepka to Reilly and Belisle.

WIELAND AGAIN

In December 1962, by letter to the State Department, the Civil Service Commission submitted a transcript of a portion of the hearings on the Wieland case that had been published by the Internal Security subcommittee, and the Civil Service Commission advised the department that this transcript contained new data not theretofore considered by the department. This reference from the Civil Service Commission made it mandatory to reopen the case under the provisions of Executive Order No. 10450, and the pertinent regulations.

After the clearance of Wieland in January 1962 Otepka had continually urged upon Reilly that the Wieland case should be reopened and readjudicated on the basis of new information that had come to Otepka's attention. Upon receipt of the Civil Service Commission letter, Otepka brought it to Reilly's attention.

Reilly called Otepka to his office and asked him how he felt about re-evaluating the case. Otepka said in substance that he had spent a great deal of time as the primary evaluator of the Wieland case, that he had been obliged to concentrate his attention on this and other controversial cases, instead of giving his attention to administrative duties. As a result he said his superiors had used this as an excuse to abolish his position and downgrade him. He explained that he did not wish this to happen again. Reilly told Otepka that he understood his concern.

Otepka said he would assign the case to Harry Hite, a member of his staff who had served as his co-evaluator on the first occasion when the Wieland case was considered, and that he would review Hite's evaluation. Reilly, however, said he would give the case to Robert McCarthy, that he wanted McCarthy to take a look at it and tell Reilly "what was in it."

Otepka replied that this would be a waste of time, that he was intimately familiar with the case and could tell Reilly what was in it. Reilly insisted that he wanted someone to take a fresh look at the case and the entire file was therefore given to McCarthy. McCarthy was a physical security specialist, not an evaluator.

The Wieland file was given to McCarthy in December 1962. At this time Otepka assigned the case to Hite for him to evaluate "if and when he got the file." McCarthy kept the file until April 1963, when it was turned over to Hite. When Hite received the file it contained no memorandum of McCarthy's conclusions, or any indication of what, if anything, he had done with it.

INADEQUATE REPORTS

In December 1962, Otepka complained in a memorandum to the chief of the Investigations Division that the security officer at Caracas, Venezuela, who was a Foreign Service officer, had submitted an inadequate report of investigation on another current Foreign Service officer. It was alleged that the Foreign Service officer under investigation had carried on an extra-marital affair with the wife of an American businessman and that he had also had an affair with the wife of a State Department investigator. There were also complaints that he had exerted his influence to obtain the issuance of United States visas to Venezuelans whose records disclosed Communist activities.

The report stated that the two men assigned to investigate the case had been admonished by their superiors that it might prove embarrassing if all leads were followed out too thoroughly. Robert McCarthy was one of the two investigators. Otepka took the position that a full investigation should be made.

He discussed the case with Reilly, who suggested that the investigation and evaluation be handled with discretion, saying that he knew the investigator's wife who was involved and knew her to be devoutly religious and he could not see how she could have engaged in such activity. Otepka agreed that discretion was indicated but insisted upon full investigation and resolution of the matter.

Otepka's files reflected that in 1957, while posted to the American Embassy at Mexico City, the Foreign Service officer involved in the Caracas incident had been suspended for 15 days without pay, as a result of charges that he had engaged in notoriously disgraceful conduct.

It appeared that he admitted that he had engaged in a sexual liaison with the wife of the ambassador of another nation. Furthermore, in an interview with the American ambassador, he had defended homosexuality and insisted that homosexuals should not be regarded as security risks. Following his brief suspension he had been transferred to Caracas without loss of rank.

OTEPKA OVERRULED

The case of the Foreign Service officer in Caracas was evaluated by Raymond Loughton of Otepka's staff, who recommended that he be removed as a security risk. Otepka concurred in this recommendation in a memorandum dated June 19, 1963. In this memorandum he observed that friends of the Foreign Service officer were protecting him and that the Foreign Service Officer Corps had shown bias and exercised poor judgment in withholding information from the security officer. Among these friends was Robert McCarthy.

Otepka also pointed out that John Ordway, head of the Personnel Office, who had passed judgment on the case, should have disqualified himself because as a friend of the Foreign Service officer involved, he had been interviewed and had defended him. Mr. Ordway, it will be remembered, is the gentleman who signed the letter of charges against Otepka and thereafter held that the charges were sustained.

The Foreign Service officer involved in the Caracas affair was cleared and is still with the Department of State.

The files of the security officer reflected another instance in which McCarthy had withheld information from his reports to his superiors. This occurred in 1961 when McCarthy was stationed at Caracas. The American ambassador's automobile had been attacked and burned by a mob and his briefcase containing classified documents had been stolen. Subsequently, the documents were disclosed to the public by Che Guevara, a lieutenant of Fidel Castro.

McCarthy investigated the incident and submitted his report, which Otepka found "uninformative." Otepka asked for more details, which McCarthy supplied. McCarthy "was apologetic for the ambassador's negligence and for the presence of an alien chauffeur alone in the automobile with these classified documents." Further inquiry by Otepka developed that McCarthy had entirely omitted from his report the fact, known to McCarthy, that shortly after the theft of the documents an offer had been made to return them for a sum of money.

In January 1963 the assistant secretary for administration, Mr. Crockett, designated Belisle as the head of a management survey team to inspect the functions of the Office of Security with a view to developing any needed improvement and detecting any deficiencies. In this capacity, and without the knowledge of Otepka or any consultation with him, Belisle ordered the "retirement" of valuable card indices which had been maintained in the Office of Evaluations.

These cards were useful tools for the evaluators, enabling them to determine quickly in any given case whether or not there was derogatory information in the files that should be further explored. Belisle insisted that the cards were needless records and that the evaluators could work from the files themselves. He ordered the cards wrapped up, tied and placed in file cabinets, and instructed the evaluators that the cards were no longer available to them for ready reference.

As a result, evaluators were put to great inconvenience, and material in the files concerning applicants for employment was overlooked.

In January 1963 Otepka submitted to Reilly a memorandum of the achievements of Otepka's division, to be included in a formal report to the deputy under secretary for administration. Otepka's memorandum contained a reference to the fact that the Office of Security had detected that emergency clearances for numerous high-ranking appointees had been antedated after Secretary Rusk had signed the waivers of investigation, and that this had led to discovery that many appointees had been improperly appointed without the required background investigation and without a security clearance.

Reilly sent Otepka's memorandum to Belisle with a long-hand note stating "Dave—I strongly question the wisdom of including O.F.O.'s last page [the reference to the emergency clearance matter]. It would make it look as if we were endorsing the jogging he gave Bos. & Roger Jones." The "jogging" to which Reilly referred was Otepka's testimony before the Internal Security subcommittee concerning emergency clearances. Pursuant to Reilly's objection the reference to the back-dating matter was deleted from the formal report to the deputy under secretary.

J. F. K. AIDE

In January 1963 Belisle sought to designate Joseph Rosetti to serve as the State Department's representative on the Subcommittee for the Protection of Classified Government Data of the Interdepartmental Committee on Internal Security. This committee was under the jurisdiction of the Department of Justice. Otepka had served on the committee since 1953 and was one of the two senior members.

Belisle said that Rosetti could represent the department's interest better than Otepka, because the functions performed by Rosetti were more akin to those of the committee. Rosetti was a young man whose record and achievements had been obscure until January 1961. He had at one time served as an aide to then Congressman John F. Kennedy.

In the period January 1961 to August 1962 he rose in grade from a GS–12 to a GS–15. After he was notified of his proposed designation to serve on the committee, he came to Otepka and said he was frightened at the prospect of such service, because he lacked the necessary experience. He also explained his position to Belisle, with the result that Belisle left Otepka on the committee but designated Rosetti as his alternate.

Again, in January 1963 Reilly dropped the name of Otepka from the list of key Office of Security personnel who would be available on weekends and holidays and after hours to receive information from the FBI. Reilly substituted Frederick Traband for Otepka on this list. Otepka was the only division chief omitted.

When Otepka spoke to Reilly about the omission of his name, Reilly said he was substituting Traband because Traband was an expert on homosexual matters, but that if Otepka insisted, he would restore his name to the list. Otepka did not insist, feeling that it would be pointless to do so, although he felt also that Reilly's action was a downgrading of him in the department.

DISTURBING TRANSFER

In February 1963 Reilly authorized the transfer of the intelligence reporting function out of the Office of Security to the Bureau of Intelligence and Research. This function had previously been transferred from the Division of Evaluations to the Executive Office of the Office of Security.

The effect of this transfer was that the Division of Evaluations was required to depend upon persons outside the Office of Security to decide what information should be sent to the Division of Evaluations. The result in Otepka's opinion was to deprive the Division of Evaluations of useful information which in the past it had received on a timely basis, concerning the domestic subversive scene.

This information was contained in reports from the Federal Bureau of Investigation on the activities of members of the Communist party and foreign intelligence operatives in the United States. The Division of Evaluations coordinated such information with the personnel security program.

Otepka was especially disturbed by this transfer because he knew that in the Bureau of Intelligence and Research there were a number of persons whose security files reflected activities and associations with Communists. He was concerned also because the transfer had been recommended by J. Clayton Miller, who was an office mate of William Wieland, and shared a safe with Wieland, and whose security file revealed "a very highly questionable background."

It appeared to Otepka that J. Clayton Miller and Wieland were kindered spirits, as well as office mates, and it seemed strange to Otepka that Miller was assigned to survey Otepka's office at the same time Otepka was investigating Wieland. Otepka made his con-

cern known to Reilly and Belisle, but without avail.

The security methods and procedures introduced by Reilly and Belisle became a matter of concern to other sensitive agencies in the government. There were complaints that the Department of State was not adhering to security standards. In particular, the Atomic Energy Commission and the Civil Service Commission complained that the Reilly-Belisle shortcut methods and short-form reports did not provide sufficient information for action to be taken, and did not meet government standards.

Otepka brought this situation to the attention of Reilly and Belisle on several occasions, and also discussed with them the transfer of the intelligence reporting function out of the Office of Security. Reilly and Belisle rejected Otepka's comments, saying they had made their decision. Otepka felt that it would be futile to carry his protests further, since it seemed clear to him that Reilly and Belisle had the full confidence and support of their superiors.

In February 1963 the Senate Internal Security subcommittee called Otepka as a witness. He was notified to appear by the office of the assistant secretary of Congressional Relations, and he immediately notified Reilly of this request. He told Reilly that it appeared to him that he might be asked for his views on State Department security practices and asked for Reilly's guidance. Reilly's response was only that he should tell the truth.

On Feb. 21, 1963, Otepka did appear before the committee and testified to the facts concerning the various reorganizations in the Office of Security and the procedural changes instituted by Reilly. He also testified with respect to his attempts to secure his overdue performance rating.

In the period from February 1963 to June 1963 Otepka appeared before the Internal Security subcommittee on a number of occasions. Among other subjects, his testimony related to the conduct of the Wieland case, and the back-dating of security clearances.

His appearances were arranged by notifying the State Department that his presence was requested and the record before the subcommittee showed that he had been instructed by his superiors to answer the questions fully and truthfully, and not to withhold anything. Transcripts of Otepka's testimony were furnished to the State Department, and on all of the occasions when Otepka appeared during that period a State Department observer was present.

CAREFUL WITNESS

Otepka was a careful witness, who endeavored to be precise at all times in his answers and who volunteered nothing. Otepka's attitude disturbed the chief counsel for the committee, Mr. Sourwine, who had "the feeling that he was trying to protect the department, did not want to give any information that would reflect on the department." Thus, at the hearing on March 11, 1963, while Otepka was on the stand, the chief counsel made the following statement on the record:

"The situation here, Mr. Chairman, is that every now and then we have a witness here who is testifying under oath and I think we have that situation here, a witness who is doing his best to protect the department. And I do not demean him for that. But it gets like pulling teeth to try to get the information. But if we ask the right questions, he will answer directly, because he's under oath. Now, if we get a letter from the Department of State, we will have to give a very careful analysis of the letter and then we will have to talk to somebody about what it means."

In his March 11 appearance before the subcommittee, Otepka testified concerning the proposals of the Advisory Committee on International Organizations with respect to the clearance procedures for Americans employed by United Nations agencies. The committee was interested in the similarity between the proposals of Leonard Boudin and those contained in the Advisory Committee's draft report. Otepka was asked for a copy of the draft report but declined to produce it.

Otepka obtained a copy of the transcript of his testimony and furnished it to Reilly, as he had furnished copies of his previous testimony. Reilly's only comment was "that Mr. Sourwine was meddling in the department's business."

On March 13, 1963, two days after the hearing on March 11 in which Otepka had testified, Reilly arranged for the surveillance of Otepka's burn bags. These arrangements are described in the letter of charges, Document No. 1 in the appeal file.

BURN BAGS SEARCHED

Reilly, Belisle and Rosetti together made the arrangements, which were that Traband or his secretary, Mrs. Schmelzer, would notify Rosetti when she was going to take Otepka's burn bag to the depository, she would mark the bag with an "X" and Rosetti would pick up the burn bag at the depository and bring it to Belisle's office, where Reilly, Belisle, Rosetti and another Reilly lieutenant named Terry Shea would examine the contents.

On March 18 Reilly discussed with Elmer Dewey Hill, one of his subordinates, the possibility of intercepting conversations in Otepka's office. His purpose was to find out what was going on in that office, who Otepka was talking to, and what he was saying. Reilly instructed Hill "to see if he could not come up with some technique that would not be too easily detected, and to report back to me."

Thereafter Hill repositioned the wiring in Otepka's office telephone, so as to convert it into a listening device. This modification or installation was disconnected two days later after Otepka made a complaint about trouble on his telephone line. Reilly ordered the installation disconnected, one reason for this order being that he was afraid it might be discovered. The wiring was disconnected by Hill in the evening, while Reilly stood outside Otepka's office as a lookout.

"BUGGING" DENIED

While the installation was in place Hill listened in from time to time and two reels of tape, recording Otepka's telephone conversations, were made. According to Hill's subsequent testimony before the Senate Internal Security subcommittee he turned these two reels of tape over to an individual who was a stranger to him. He swore that he did this on Reilly's instructions, and that Reilly had someone listen to the recordings.

In his testimony at this hearing, however, Reilly swore that he had no recollection whatever of any interception of Otepka's telephone conversations, or of any recordings, or of hearing any tapes played, or of ordering Hill to turn any tapes over to anybody. His mind, he said, was a complete blank on the subject, and he could neither admit nor deny the truth of Hill's testimony.

He swore also that when he was questioned about the matter by Mr. Ehrlich, of the Legal Advisor's Office, and Under Secretary Ball, in November 1963—approximately eight months after the incident occurred—his memory even then was a blank so far as telephone intercepts and recordings were concerned.

In response to a demand by counsel for Otepka that the State Department produce the recordings and any transcripts made from them, counsel for the department stated that he had been informed that the recordings had been erased and that no transcripts were made. Department counsel further stated "that there has been no identification of the stranger" to whom Hill said he gave the tapes, "although efforts have been made."

Beginning in March 1963 and continuing through May 1963, Otepka, members of his family and neighbors observed that a parked car with a male occupant frequently appeared near Otepka's home or in front of it. When Otepka notified the police authorities, the man never reappeared again. He identified himself as a "credit investigator."

At the time Reilly ordered the surveillance of Otepka's office and of his burn bags Otepka had not done anything wrong, so far as Reilly knew. Reilly swore in this hearing that the reason for his order was that he suspected that Otepka "might be privately furnishing information to Mr. Jay Sourwine, chief counsel of the Senate Internal Security subcommittee."

He said the grounds of his suspicion, in addition to his early conversation with Boswell, in which Boswell voiced similar suspicions, were (1) that in a conversation with Mr. Sourwine, shortly after Reilly took office, Sourwine asked him about a pending matter being considered within the department, which Reilly thought was the appointment of Archibald McLeish to the Advisory Committee on the Arts, and (2) that early in 1963 Sourwine had told him "shortly we are going to have Otepka here and have him testify concerning the department, and then when that is done, we will probably have a few questions for you."

SAFE OPENED

On or about March 13, 1963, on orders from Reilly, Otepka's safe was surreptitiously drilled, opened, and searched. Among many sensitive files relating to security problems which Otepka kept in this safe were the security files of Harlan Cleveland and Seymour Janow. When Otepka's burn bags were opened and examined by Reilly, Belisle and Rosetti, Reilly stated that he was especially interested in any papers relating to the case of Cleveland and Janow.

Otepka had the Cleveland and Janow files in his safe so that he might maintain a record of their activities, as his duty required him to do. With respect to Cleveland, he "was interested in seeing who he was recommending for positions in the department."

In the case of Janow, he was holding the file pending resolution of serious derogatory information with respect to Janow. Specifically, there was an allegation that Janow, while an official of the Agency for International Development, had retained a financial interest in a private business which was supplying services to AID, under contract with the federal government.

The file disclosed that the Department of the Army was still investigating Janow's involvement in this possibly illegal venture; but nevertheless, over the objections of Otepka's office, the nomination of Janow to be assistant administrator for the division of Far Eastern Affairs of AID was submitted to the Senate for confirmation, and he was confirmed Feb. 1, 1961.

The submission of the nomination to the Senate before an adequate investigation had been completed was in violation of both the Senate rules and White House policy. Accordingly, Otepka was holding the Janow file so that he might correlate the report of investigation, when received, with the file.

Following Otepka's appearance before the subcommittee on March 19, 1963, Chief Counsel Sourwine told him he had met with Reilly off the record, that he was dubious about Reilly and that he planned to call him as a witness. He asked Otepka if he would suggest questions that could be asked of Reilly.

Otepka did prepare certain questions, based upon published testimony given by Boswell in March 1962, concerning the department's plans to spend large sums of money for electronics equipment, and based also on information given to Otepka by a former department employe, George Pasquale. Pasquale's information related to the conduct of Elmer Hill, who was in charge of the electronics program.

NIGHTTIME VISIT

The carbon paper used in typing these questions was thrown into Otepka's burn bag by his secretary. It was retrieved by Reilly and the questions appearing thereon are reproduced and attached as an Exhibit to the [State Department] charges, Document No. 1.

On the night of March 24, 1963, at about 10:30 p.m. when Otepka chanced to be in his office, Belisle walked in, accompanied by Terence Shea, an investigator from the Division of Investigations, who had served with Belisle in the National Security Agency. They appeared surprised to see Otepka and said nothing for a moment; Belisle then said he thought he had seen a charwoman enter the office and he had followed her. Having been there for some time, Otepka knew that no charwoman or anyone else had come into the office shortly before he entered. Otepka concluded that Belisle and Shea were there for the purpose of conducting some sort of surveillance of his office.

On March 4, 1963, Otepka was visited in his office by George Pasquale, an electronic engineer whose employment by the State Department had recently been terminated on the recommendation of Reilly. Pasquale related to Otepka that in April 1962 he had accompanied Elmer Dewey Hill, a member of Reilly's staff, on a trip to Warsaw, Poland. Pasquale described to Otepka a number of instances of misconduct on the part of Hill during the trip. The misconduct, which had occurred in public, consisted of "vulgarities and obscenities and intoxication."

Pasquale had made a written report on Hill's conduct, but this report was sequestered by Reilly and was not placed in Hill's file. No action was ever taken against Hill, but shortly thereafter Reilly terminated Pasquale's employment.

In addition to his written report, Pasquale orally informed Belisle and Rosetti about the conduct of Hill in Warsaw. Belisle suggested that Pasquale should take his complaint to the Internal Security subcommittee, and Rosetti gave Pasquale the telephone number of the chief investigator for the subcommittee. Pasquale did take the matter up with the subcommittee.

In March 1963 the Civil Service Commission made one of its regular routine inspections, as provided in Section 14 of Executive Order 10450, into the manner in which the security program was being carried out by the Department of State. As was customary, Otepka dealt with the inspector on behalf of the department.

The inspector brought with him a list of files that he wished to examine, among them being the file in the William Wieland case and the file on Elmer Dewey Hill. The Wieland case was selected as a representative security case, and Hill's file was examined because he had taken office subsequently to the last previous inspection.

In connection with the Hill file Otepka advised the inspector to see if it contained any derogatory information. The inspector reported that he found no derogatory information in the file. Otepka then told him about the Pasquale report.

The inspector asked Reilly where Pasquale's report was and Reilly responded that he could not have this information, and "warned him not to get involved in the Elmer Hill case." After representations were made to Reilly by the Civil Service Commission the inspector was given the Hill file but it still did not include the derogatory report.

Late in March 1963, while Otepka's regular secretary, Mrs. Powers, was ill, Mrs. Schmelzer, who was Mr. Traband's secretary, substituted for her. Otepka noticed that Mrs. Schmelzer was "unduly curious" about material in Otepka's safe, containing the security files of Harlan Cleveland and Seymour Janow.

His observation of Mrs. Schmelzer's activities caused Otepka "to suspect by this time that there was something peculiar going on, and I felt that she possibly was a part of a group in my office that had been asked to maintain some sort of a surveillance over me." Because of his suspicions Otepka had the combination to his safe changed. Mrs. Schmelzer was later revealed to be a member of the burn bag surveillance team organized by Reilly and Belisle.

On April 5, 1963, Otepka was instructed to confer, and he did confer with Leo Harris, a staff assistant to the department's legal adviser, Abram Chayes. Mr. Harris wanted Otepka's views with respect to the pending attempt by a former employe of the department, who had been removed as a security risk, to gain reinstatement. The discussion related to the department's regulations precluding the re-employment of any person who had been dismissed as a result of adversary proceedings under Public Law 733.

Mr. Harris told Otepka that Reilly had endorsed a proposed change in the regulations which would permit the re-employment of former employes who had been dismissed as security risks. Harris said that consideration was being given to the re-employment of John Paton Davies, who was precluded from re-employment in the State Department by the existing regulations; that Reilly favored the proposed change which would permit the re-employment of Davies.

Otepka said he was opposed to any such change in the regulations, and pointed out that Davies had been dismissed after a hearing before a Security Hearing Board, that the vote of the Hearing Board was five to nothing for dismissal, and that Secretary Dulles had concurred. The case of John Paton Davies had been evaluated by Otepka in 1954, and it was his findings which had resulted in the dismissal of Davies as a security risk.

PHONE TAP?

It will be recalled that just before he was succeeded by Reilly in April 1962, Boswell obtained the security file of John Paton Davies, and worked on it in secrecy. Otepka's conversation with Mr. Harris in April 1963 suggested to Otepka that Reilly was carrying on a project that Boswell had started.

In April 1963 Otepka and his secretary, Mrs. Powers, noticed that Otepka's office telephone "was acting in a very peculiar manner." After dialing, the phone appeared to be dead. On other occasions a loud clattering or clicking was heard, and sometimes audible conversations of strangers on the line were heard. A member of the Domestic Security Division, called in by Otepka to listen, immediately stated "your phone is bugged." A professional engineer, Stanley Holden, was then called in to check the telephone.

Mr. Holden reported that the telephone appeared to be in a normal condition, but gave Otepka a cautious admonition that it might be tapped. He indicated he did not desire to discuss the matter further because of a possible reprisal against him. Shortly after this conversation between Otepka and Holden, Reilly appeared in Otepka's office, said he heard Otepka had been having trouble with his telephone, and remarked that he had been having trouble with his phone too.

On May 14, 1963, Stanley Holden told Otepka that the room which he, Otepka, occupied contained a concealed listening device which enabled someone at a remote monitoring point to overhear telephone conversations as well as other conversations in the room. He said the installation of this device was ordered by Reilly because Reilly was personally embarrassed by information with which he was confronted in his appearances before the Senate Internal Security subcommittee, that Reilly was upset about Otepka's testimony before the subcommittee.

Holden said that the monitoring was being done under the direction of Elmer Hill, chief of the Division of Technical Services, and that the operation was known to Rosetti, who, as chief of the Division of Domestic Operations, was Holden's immediate superior. Holden added that Belisle had enlisted Otepka's assistant, Frederick Traband, to keep Belisle informed of Otepka's activities and any remarks that he made within the hearing of Traband. At about this same time Otepka received similar information from George Pasquale reiterating that Pasquale had told Otepka before.

On several occasions during the month of May, Otepka noticed that strange sounds were coming from his telephone although the receiver was in the cradle. The sounds were a humming noise, and the sound of voices—in other words, the telephone was broadcasting. Otepka concluded from all of these facts "that there was an organized campaign being directed against me, either to purge me or to embarrass me in some way in connection with my duties."

SEVERAL CLASHES

During the month of May 1963 Otepka clashed with Reilly and Belisle or Traband in connection with several personnel security cases.

In one case Otepka and Traband interviewed a prospective appointee concerning his alleged Communist activities, and Otepka recommended against his employment on the ground that he was a security risk. The applicant was cleared after Otepka was ousted.

Another case involved a prospective appointee to the staff of the United States ambassador to the United Nations. The appointment was pushed by an assistant to Harlan Cleveland. Otepka insisted on full investigation of the individual's past activities, many of which were a matter of public record in the files of the House Committee on Un-American Activities; and in particular, Otepka urged a full investigation of an allegation that this man was involved in running arms and ammunition through the Congo to Angola in support of rebels who were seeking to drive the Portuguese from Angola. Otepka was overruled and the man was cleared and appointed.

In the third case, although the applicant was unsuitable, Traband argued that Otepka "should yield to reality because the applicant had strong political backing," that it was Otepka's "duty to accommodate the top." The applicant was rejected by the Office of Personnel as unsuitable.

A fourth case involved the wife of a deputy assistant secretary for Far Eastern affairs. The wife was an applicant for an important position in the Bureau of Intelligence and Research, specializing in Far Eastern affairs. In 1954 Otepka had considered the case of the husband and recommended that he be suspended in the interest of national security. Otepka based his recommendation on the applicant's notorious pro-Communist record on Far Eastern matters and the employment of him and his wife by the Institute of Pacific Relations, an organization which had been cited by the Senate Internal Security subcommittee as a group controlled by persons with Communist background and leanings.

The administrator of the Bureau of Security and Consular Affairs concurred with Otepka in 1954, but they were overruled. The man was not charged or suspended as a security risk. The individual's wife, who was in the department at the time, and whose record was equally bad, subsequently left the department voluntarily and was now, in May 1963, seeking to return as an intelligence specialist. Otepka objected but was overruled by Belisle and Reilly and the lady was appointed.

In two other cases in May 1963 Belisle signed security clearances for two applicants without notice to Otepka and without any proper investigation.

Full field pre-appointment investigations for all applicants and employes of the State

Department occupying sensitive positions were required by law in the absence of a waiver signed by the secretary. Belisle had granted clearances to the two applicants without any full field investigations or waivers.

Having obtained the security files of the two applicants and ascertained these facts, Otepka wrote a memorandum for the record stating that he would accept no responsibility for the clearance of the two persons because he had not been allowed to participate in the clearance processes. He noted that the requirements of the law and the regulations had not been met.

Belisle responded with a scrawled note in blue crayon demanding the files. The note said "give them to me," followed by several exclamation points.

REILLY TESTIFIES

On April 25, 1963, Reilly testified again before the Internal Security subcommittee. Returning to the department late in the afternoon, he went to Otepka's office. He appeared to be upset. He told Otepka that Sen. Dodd "had given him a bad time," after he had testified that Otepka had voluntarily disqualified himself from further participation in the Wieland case.

He asked Otepka if he could confirm to Sen. Dodd or to the subcommittee that he had in fact withdrawn from the Wieland case. Otepka responded that if called as a witness he would testify precisely about his conversation with Reilly concerning his participation in the Wieland case.

Otepka felt it was not necessary to argue the matter with Reilly at that time, since he believed that Reilly well knew when he testified that Otepka had not in fact withdrawn from the Wieland case, and he believed further "that Mr. Reilly was a very devious person who had been working hard to discredit me or get rid of me in any way he could, and I felt it unwise and very foolish to confide in him that I—what I was going to say in the event I was going to testify before that committee again."

Shortly after April 25, 1963, Mr. Sourwine permitted Otepka to see the transcript of Reilly's testimony of that day. At this time Sourwine told Otepka that all of the senators who participated in the hearing believed that Otepka had told the truth, that he was a knowledgeable security officer who always was properly responsive to the subcommittee's questions, and he further informed Otepka that Sen. Dodd, who had interrogated Reilly closely and at length, thought that Reilly was lying and was being evasive.

Sourwine said that Otepka had always done his best to protect the State Department's interests, had made no criticism of his superiors and had respected the oath that had been administered to him. Sourwine concluded in effect that Otepka "now had a problem."

Reading the transcript of April 25, 1963, Otepka observed that Reilly testified that the Division of Evaluations had been operating inefficiently when Reilly got to the State Department and that Otepka was a bottleneck, that Otepka held many things and did not delegate enough authority, especially to Traband. No such complaint had ever been made to Otepka by Reilly or Boswell, either orally or in writing.

Otepka also read Reilly's testimony, in which Reilly swore that Otepka had voluntarily excused himself from participation in the Wieland case. Reilly also assured the subcommittee that the fact that the Department of Justice had declined to prosecute Wieland for false statements made no difference in the State Department's evaluation of the case. Otepka knew this was not a fact, and it subsequently developed that Belisle had Robert McCarthy prepare a written clearance predicated on the decision of the Department of Justice not to prosecute.

In appearance before the subcommittee on April 30, 1963 and May 21, 22 and 23, 1963, Reilly at one time or another repeated his testimony that Otepka had voluntarily withdrawn from the Wieland case. With respect to the appointments of the members of the Advisory Committee on International Organizations, Reilly testified that Otepka had given him information about only one of the prospective appointees.

He further testified he had not seen the Leonard Boudin letter in the New York *Times*, discussing the matter of security clearances for the staffs of international organizations, until Otepka showed it to him. He also swore that he, Reilly, had obtained and given to Otepka the draft report of the Advisory Committee, which reflected the Boudin proposals.

The facts were that Otepka had not voluntarily withdrawn from the Wieland case, that he had specifically and in writing directed Reilly's attention to the cases of three prospective appointees to the Advisory Committee, that Reilly had received the Boudin article from the Department of Justice and sent it to Otepka with a covering memorandum, and that Otepka had obtained the draft report and given it to Reilly, together with his comments on the contents of the report.

The effect of Reilly's testimony about these matters was, first, to justify the removal of Otepka from the Wieland case, and second, to absolve Reilly of any responsibility for questionable appointments to the Advisory Committee and from responsibility for failure to perceive the similarity between the recommendations in the committee's draft report and the proposals of Leonard Boudin. It was Reilly's duty to correlate the Boudin proposals with the recommendations of the draft report; and having failed to do so, he attempted to pass the matter off by disclaiming knowledge of the Boudin letter and shifting the responsibility to Otepka.

By claiming that he had submitted the draft report to Otepka, he sought to give the impression that he had performed his duty, by alerting Otepka, whereas in fact Otepka had alerted him.

In his testimony of May 21, 1963, Reilly said that Otepka had submitted a memorandum making recommendations for short-form reporting on applicants, that these recommendations had been put into effect, and that Otepka had then testified before the subcommittee objecting to the procedure which he himself had recommended.

The fact was that Otepka had recommended short-form reports on clerical applicants alone, but that Reilly had ordered short-form reports on all non-derogatory cases of State Department applicants, a procedure which in effect turned investigators into evaluators.

When this procedure came under attack before the Senate subcommittee as one involving bad security, Reilly by his testimony attempted "to convey the impression that what he had done was precisely what Mr. Otepka had recommended and therefore, that since he had depended upon Mr. Otepka, Mr. Otepka was at fault." In connection with what he described as Otepka's "recanting" of his memorandum on short-form reporting, Reilly testified further on May 21, 1963, that Otepka struck him as mentally unbalanced and emotionally overwrought.

Following Reilly's appearance before the subcommittee on May 23, 1963, Mr. Sourwine, chief counsel for the subcommittee, communicated with Otepka and asked Otepka to come to see him at his office. As a matter of convenience to Mr. Sourwine, the meeting between him and Otepka took place after Otepka's normal working hours but there was nothing clandestine or secretive about it; in fact, during the same period of time Mr. Sourwine and members of his staff were interviewing other State Department employes with the knowledge of the department. The interview with Otepka was in accordance with the subcommittee's usual practice in preparing for hearings.

In his interview with Otepka shortly after May 23, Chief Counsel Sourwine pointed out to him that there had been sharp conflicts between Otepka's testimony and that of Reilly. He mentioned the conflict with respect to the information Otepka had given Reilly about the members of the Advisory Committee on International Organizations, and showed Otepka marked transcripts reflecting other instances of conflict or apparent conflict. "And I told him that—I forget whether I wanted him to, or the committee wanted him to, but I was attempting to convey to him that it was up to him to put up or shut up—his boss in effect had called him a liar, and if he had any evidence to support what he had told us, I wanted him to bring the evidence in and put it in the record."

EVIDENCE PRODUCED

Otepka said he was sure he could support every bit of testimony he had given, and that he would attempt to produce the evidence to support it. Sourwine gave him copies of the transcript and had them marked to indicate the conflicts, and told him to traverse all of those points, be ready to testify further with respect to all of those points, when he was called back to the stand.

As a result Otepka prepared a memorandum with respect to Reilly's testimony, giving Otepka's comments and indicating the errors in Reilly's testimony. The statements in the memorandum were supplemented by several documents supporting the testimony Otepka had already given.

The memorandum and documents were turned over to Chief Counsel Sourwine by Otepka. The memorandum was keyed to the transcript of Reilly's testimony; that is, the comments in the memorandum were keyed to specific pages of the transcript of Reilly's testimony, and traversed Reilly's testimony on the points in dispute.

According to the letter of charges the typewriter ribbon used in producing Otepka's memorandum concerning Reilly's testimony was retrieved from Otepka's burn bag by the burn bag surveillance team on May 20, 1963. The letter recites that the ribbon was read "and the contents were reproduced" as Exhibit B in the charges. Exhibit B to the charges is in fact the department's own garbled version of the memorandum which Otepka submitted to Chief Counsel Sourwine.

Attached to Otepka's memorandum commenting on and rebutting Reilly's testimony was a five-page memorandum dated Sept. 10, 1962, from Otepka to Reilly on the subject of "Francis O. Wilcox, Arthur Larson, Lawrence Finkelstein, Marshall D. Seymour, Andrew Cordier, Ernest Gross, Harding Bancroft, Sol Linowitz."

IMPORTANT MEMO

This memorandum, which is State Department Exhibit 7, is the basis of Charge 1 against Otepka. It went to the heart of the most important conflict between the testimony of Reilly and that of Otepka. Specifically, it demonstrated that on Sept. 10, 1962, Reilly had received in writing from Otepka information about the eight individuals named in the memorandum, who were prospective appointees to the Advisory Committee on International Organizations staffing and for whom emergency clearances were desired by Harlan Cleveland. Reilly had testified that Otepka had alerted him to the case of only one of the eight individuals.

Also attached to Otepka's memorandum on Reilly's testimony was a copy of a memorandum dated Sept. 17, 1962, from Reilly to George M. Czayo, entitled "Processing of Appointments of Members of the Advisory Committee on International Organization Staffing." This memorandum, State Department Exhibit 8, is the basis of Charge 2 against Otepka.

HOW MANY NAMES?

It too was directly relevant to the issue being explored by the subcommittee with respect to the conflict between Reilly and Otepka. It demonstrated that Reilly not only had received and understood the information from Otepka about the questions raised with respect to the members of the Advisory Committee on International Organization Staffing, but that Reilly had dealt with the matter himself, by sending a memorandum concerning it to Mr. Czayo. The question of how many individuals on the list had been brought to Reilly's attention by Otepka was an important and material matter pending before the subcommittee.

Although the memorandum of Sept. 10, 1962, State Department Exhibit 7, and the memorandum of Sept. 17, 1962, State Department Exhibit 8, were classified "Confidential," the members of the Internal Security subcommittee and its chief counsel had been granted clearances for access to classified information which entitled them to receive such documents.

The memoranda of Sept. 10, 1962 and Sept. 17, 1962 (State Department Exhibits 7 and 8) contain no investigative data. The only substantive data contained in the memorandum of September 10 (State Department Exhibit 7) consists of references to certain matters which had been mentioned in published reports or hearings of the Senate Internal Security subcommittee or which were otherwise in the public domain, or available to the subcommittee.

The memorandum of Sept. 17, 1962 (State Department Exhibit 8) contains no substantive data whatever with respect to the prospective appointees, but relates for the most part to the procedural steps involved in their clearance.

SHORT VS. LONG FORM

Also attached to Otepka's memorandum on the Reilly testimony was a copy of a long-form report dated May 21, 1960, on one Joan Mae Fogltanz, an applicant for a clerical position in the Department of State. This document, State Department Exhibit 9, is the basis of charge Number 3 against Otepka. It was directly relevant to the conflict between Otepka and Reilly with respect to Otepka's recommendations for short-form reporting.

On Oct. 29 1962, Otepka had submitted a memorandum to Reilly expressing the view that in cases of applicants for clerical positions, such as young ladies fresh out of high school who had no employment history and whose backgrounds were impeccable, long-form reporting was unnecessary and a waste of time. Otepka had given Reilly the lengthy Fogltanz report as a "horrible example" of a long-form report, illustrating what he was talking about in his memorandum.

Nevertheless, over Otepka's objections, Reilly ordered that short-form reporting be adopted for all non-derogatory cases, including the cases of officer applicants. Thereafter Reilly had testified before the subcommittee that his order had only carried out Otepka's recommendation and that Otepka in his testimony before the subcommittee had repudiated his own memorandum to Reilly. In an attempt to support this testimony Reilly produced and turned over to Mr. Sourwine a copy of Otepka's memorandum to him dated Oct. 29, 1962.

The Fogltanz report, which Otepka had given to Reilly with this memorandum, demonstrated exactly what Otepka was talking about in the memorandum, and confirmed Otepka's statement that Reilly knew perfectly well what Otepka's recommendation had been.

In his memorandum prepared for Mr. Sourwine and the subcommittee Otepka commented at some length on Reilly's testimony about short-form reporting and Otepka's memorandum dealing with the subject.

In addition to the two documents relating to Reilly's testimony concerning the personnel of the Committee on Staffing International Organizations, and the Fogltanz report relating to his testimony on short-form reporting. Otepka attached to his memorandum various papers and documents that were relevant to other questions which were pending before the subcommittee and concerning which Reilly had testified. Otepka's memorandum also discussed these questions.

SOURWINE'S ROLE

The documents produced by Otepka, and specifically the documents referred to in Charges 1, 2 and 3, were directly relevant to questions posed to Otepka by the subcommittee. Had he failed to produce those documents, and particularly had he failed to produce the documents referred to in Charges 1, 2 and 3, he would have failed to respond fully to the questions posed by the subcommittee. Furthermore, documents containing similar information had in the past been furnished to congressional committees, and nothing had "been said about the Truman order [Directive of March 13, 1948] preventing it."

The investigation by the Senate Internal Security subcommittee, in which Otepka and Reilly were involved, was an investigation of security practices at the Department of State. The subcommittee was "trying to get at the facts with regard to the security situation in the department."

As chief counsel for the subcommittee, Mr. Sourwine was responsible for preparing for the hearings by interviewing witnesses, arranging for their appearance, conducting the basic examination of witnesses before the committee, and doing any necessary research. In all of his dealings with Otepka, Mr. Sourwine acted pursuant to these responsibilities, in his official capacity as chief counsel of the committee, and on behalf of the committee.

Any request that he made of Otepka was a request of the Internal Security subcommittee. Moreover, everything said and done by Otepka was in response to such requests. He was not a volunteer witness, but one whose appearance had been requested by the subcommittee, who had been sent by the State Department to the subcommittee and who had testified with the knowledge of the department.

CODE OF ETHICS

Otepka did not take the matter of Reilly's false and misleading testimony up with his superiors, before submitting his memorandum and the attached documents to the subcommittee. In the light of the facts known to him he reasonably believed that for many months his superiors had engaged in or approved a campaign to harass, frustrate and discourage him so that he would abandon his key job in the department's Office of Security.

Taking the matter up through the chain of command would have required him to confide in some of the very superiors whom he believed to be engaged in the effort to purge him from the department. He knew from his long experience that employes of the department who reported on the misconduct of a superior through the chain of command were often pilloried while those guilty of misconduct were protected. In his judgment, based upon his experience, there "was a mutual protective society amongst those whose advice I might have sought."

In making his decision to submit information and documents to the Internal Security subcommittee, Otepka took into account the Code of Ethics for government service which is set out in House Concurrent Resolution No. 175, agreed to by the Senate on July 11, 1958.

This Code of Ethics includes a statement that every government employe should put loyalty to country and to the highest moral principles above loyalty to any party, person or government department. The Code was supported in the Senate by the then Majority Leader Mr. Lyndon B. Johnson, who spoke in favor of it. A copy of the Code was received by Otepka as an attachment to a State Department circular addressed to all department employes.

In his deliberations about what he should do with respect to Reilly's testimony and the subcommittee's requests for information, Otepka also gave consideration to the provision of 5 U.S. Code, Sec. 652(d) that "the right of persons employed in the Civil Service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee or member thereof shall not be denied or interfered with."

In determining upon his course of conduct with respect to the subcommittee's request for information, Otepka also considered the question of whether or not his submission of this information would contravene what he knew or believed to be the accepted standard of conduct for employes of the Department of State.

He considered his proposed or contemplated course of conduct against the pattern which he believed to have been established by the conduct of State Department officers and employes which had been approved by the department. He "was familiar with many such cases, and [he] gave consideration to the conduct of those persons with which [he] was familiar and [he] noted that their conduct was excused."

EIGHTEEN CASES

Among these cases in which infractions of regulations or other misconduct were approved or condoned by the department were the following:

(1) The case of John Stewart Service (supra) the Foreign Service officer who admitted that he had furnished 18 documents, some of them classified "Secret," to Philip Jaffe, the publisher of *Amerasia* magazine, a person on whom there was a considerable record of Communist activities and affiliations. Service was honorably retired.

(2) The case of Elmer Dewey Hill (supra) whose misconduct in Warsaw was condoned and covered up by Reilly.

(3) The case of William Wieland (supra) whose misconduct by way of false statements, misrepresentations and concealment of information was condoned by the department.

(4) The case of Charles Lyons (supra) who as a security officer in Athens, Greece, had failed to report a large number of security violations but who nevertheless was appointed deputy chief of the Division of Evaluations.

(5) The case of the presidential nominee (supra) who had publicly assaulted his wife and strewed her clothing on the lawn, over the shrubbery and in the street.

(6) The case of Irving Swerdlow (supra) who had been dismissed as a security risk by the Mutual Security Agency, but was appointed to a position in the State Department.

(7) The case of the Foreign Service officer (supra) who, while stationed in Mexico City and again while on duty at Caracas, Venezuela, had been guilty of serious sexual misconduct, including a liaison with the wife of the ambassador of another nation, but whose conduct had been condoned.

(8) The case of Robert McCarthy (supra) who had withheld information from his reports to his superiors concerning the loss of classified documents by the American ambassador at Caracas, but who became a trusted lieutenant of John F. Reilly.

(9) The case of Seymour Janow (supra) who was appointed to high office without resolution of allegations that he had been involved in an illegal conflict of interest.

(10) The case of the security officer stationed in Moscow who was enticed to her

apartment by a Russian woman. The woman turned out to be a KGB agent. Using concealed cameras, the Soviet Secret Police photographed the security officer and his Soviet companion, in bed, both being in the nude. The security officer was then confronted with the photographs and an attempt was made to induce him to spy for the Soviets. He rebuffed the attempt and reported his misconduct to his superiors. Although he had exposed himself to the most elemental recruitment tactics, known to even the greenest novice, he was not disciplined.

(11) The case of a security officer stationed in an Eastern European country. He was married to an American, who accompanied him. He gave lectures to his associates, instructing them to avoid any personal relations with foreign nationals. Nevertheless, he openly consorted with a local woman. His conduct was observed by his associates and reported to superiors. Subsequently, when his wife divorced him for his misconduct he requested the department's permission to marry his alien paramour and permission was granted, notwithstanding the fact that there was information indicating that the woman was a foreign agent. He was not disciplined, but continued as a security officer.

(12) The case of a Foreign Service officer, formerly a security officer, who owned two automobiles when he was transferred to a new post. Although entitled to have only one automobile shipped at government expense, he had the second automobile concealed in a lift van and represented it as household furnishings on the invoice. His case was referred to the Department of Justice for prosecution and he was not disciplined, except that he was required to pay for the transportation of the second automobile.

(13) The case of a Foreign Service officer who admitted to the security officers of the department and to the department's medical authorities that he had engaged in homosexual acts. The department's medical officers found him unfit to serve abroad because in their professional judgment his homosexual tendencies made him a potential security risk. He was not disciplined, but again sent abroad and assigned to a critical post behind the Iron Curtain.

(14) The case of a Foreign Service officer who, on his application form and in interviews with department personnel, concealed the fact that he had been a member of the Young Communist League and of the Communist party. He is still employed in the State Department.

(15) The case of a Foreign Service officer stationed in an Eastern European post who admitted homosexual tendencies and other personal misconduct but was given responsibility for supervising Marine guard personnel at the American Embassy. His negligence permitted foreign agents to have access to classified reports at the embassy. He received normal promotions in the Foreign Service and is still in the department.

(16) The case of a Foreign Service Officer on duty in the department who borrowed money from the State Department Credit Union and forged the endorsement of a fellow employe, a lady, to his application for the loan. This individual was given an important assignment in the White House.

(17) The case of a Foreign Service officer who, while stationed in an Eastern European country, fathered a child out of wedlock by a national in that country. Boswell, who was then director of the Office of Security, selected this man to be a security officer at a Far Eastern post.

(18) The case of a Foreign Service officer who sexually violated his own daughter but was never disciplined, and in fact was later designated as a part-time security officer at a post which did not have a full-time professional security man.

PATTERN ESTABLISHED

All of the foregoing cases were within the personal knowledge of Otepka and they all occurred in recent years, at or about the time of Otepka's difficulties with Reilly. Otepka was familiar with many other cases of a similar nature, in which the conduct of State Department employes had not resulted in disciplinary action.

These cases established a pattern and standard of conduct upon which Otepka was entitled to base his conclusion that his action in furnishing information and documentation to the Senate Internal Security subcommittee was not a breach of the standard of conduct expected of an officer of the Department of State.

Otepka requested John R. Norpel, a member of his staff and a former FBI inspector, to compile pertinent data for use by Otepka in substantiating his testimony before the subcommittee. Norpel reported to Otepka that he had mentioned the assignment to Rosetti, who in turn had reported it to Reilly, and that thereafter Reilly had told Norpel "Otepka is a nut—I came here to do a job and I am going to do it."

Later, in a conversation between Norpel, Robert McCarthy and Rosetti, McCarthy asked Norpel, "Why is Otepka fighting, what is his price to quit? Every man has a price." Norpel replied that no one could buy Otepka for any price and that his reason for fighting was to remedy wrongs and to uphold his principles.

Early in June 1963 Reilly again evinced an interest in Otepka's activity with respect to Harlan Cleveland, by sending Otepka a memorandum concerning Cleveland's security file and stating that Otepka had taken no closing action on Cleveland's security clearance. Reilly also stated that Otepka had not answered Belisle's memorandum to Otepka dated Jan. 15, 1963, on the Cleveland case. Reilly accused Otepka of dilatory tactics.

Otepka replied with documentation proving that he had answered Belisle's memorandum within seven days, and he pointed out that Cleveland had been cleared by Secretary Rusk on Aug. 11, 1961, thereby closing the case. Otepka added that if Reilly wanted to know why he, Otepka, as the chief evaluator, had Cleveland's security file in his possession he would be happy to explain it to Reilly. Reilly did not ask for the explanation.

On June 25, 1963, Otepka observed that one of his subordinates, Joseph Sabin, had put aside certain work that Otepka had assigned to him to be handled on a priority basis and was working on the security file on Seymour Janow. The next day, noticing that Sabin again was working on the Janow file, Otepka asked what it was that he was evaluating in that case.

Sabin replied that he had been instructed by Reilly to prepare a chronology of certain events in the case. Otepka noticed that Sabin had such a chronology on his desk. Otepka took the chronology and the file to his desk, where he saw that one item in the chronology made a false reference to Otepka. Otepka handed the chronology to his secretary and asked her to make a copy of it for him.

Shortly thereafter Reilly burst into Otepka's office and shouted to him, "When I assign a case to a member of your staff, I do not expect you to interfere." He accused Otepka of taking the chronology from the Janow file and asked if Otepka had it in his possession. When Otepka acknowledged that he had it, Reilly demanded that he give it to Reilly immediately. Otepka complied. Reilly then asked how many copies of it he had reproduced. Otepka said he had not reproduced any but had intended to do so.

Reilly took the file and the chronology and left Otepka's office. Within a few minutes two porters came to Otepka's office and removed Otepka's Thermofax machine. One of them told Otepka that he was removing the machine on Reilly's instructions.

On two occasions during May and June 1963 Otepka asked Traband whether he, Traband, was keeping Otepka under surveillance. On the first occasion, in May, Traband denied that he had Otepka under surveillance and this ended the matter. On the second occasion, in June 1963, Traband accompanied his denial with an angry outburst to the effect that Otepka had no right to question his integrity. It subsequently appeared that Traband was in fact acting at that time as a member of Reilly's burn bag surveillance team.

On the morning of June 27, 1963, Reilly sent for Otepka and in the presence of Belisle handed Otepka a memorandum stating in part:

"Effective immediately I am temporarily detailing you to devote your full time and attention to preparing guidelines for evaluating and developing recommendations to me relative to updating and reviewing the Office of Security Handbook. During the course of this temporary detail, you are relieved of your present official responsibilities. You will, for the duration of this assignment, occupy Room 38A05. Such stenographic and/or typing assistance as you will require to carry out these assignments will be made available as you make such needs known to Mrs. Catucci or Mrs. Mitchell."

At the same time Reilly announced to the Division of Evaluation in another memorandum that Belisle would take over Otepka's duties as chief of the division. After handing Otepka the memorandum relieving him of his duties, Reilly and Belisle accompanied Otepka back to Otepka's office. When they arrived at Otepka's office five security officers at once followed, obviously by pre-arrangement. These officers, all members of Rosetti's staff, were Rosetti himself, Robert McCarthy, Russell Waller, Joseph McNulty and Frank Macak.

Reilly asked for the combination to all of Otepka's safes and when they were produced the five security officers proceeded to change all the combinations of the safes and file cabinets and to close and lock them.

This operation, which took place in view of Otepka's subordinates, was supervised by Reilly and Belisle. While it was going on Otepka sat at his desk. For a while Reilly stood guard over Otepka, then he motioned to Rosetti to take his place and Rosetti did so. Finally Otepka told Rosetti that if he had no objection Otepka was going to lunch. Rosetti said he had no objection and Otepka went.

FILES RESTRICTED

Returning from lunch Otepka found his secretary, Mrs. Powers, in tears. She informed Otepka that Reilly had called her in and handed her a memorandum notifying her that she was being transferred to the Washington Field Office where she would be transcribing from dictaphone cylinders. This was a low-level clerical job far beneath her capabilities.

Otepka also learned that Norpel and Hughes, two of his associates, had been detailed by Reilly from the Division of Evaluations to the Investigations Division located in another building. Reilly informed them that they would be assigned to investigative duties.

After learning of the re-assignment of Mrs. Powers, Norpel and Hughes, Otepka went to Reilly's office and asked for an explanation. He found Belisle with Reilly. Reilly at first refused to give any explanation but finally said something to the effect that when he first came on board he had emphasized to Otepka "the need of institutional loyalty."

Otepka replied that he recalled no such lecture, but he wanted Reilly to know that he never had and never would subordinate loyalty to his principles and to his country to loyalty to any institution.

Otepka then asked whether he were to be permitted access to classified information. Reilly said the nature of Otepka's job did not require such access. Otepka asked if Reilly was terminating his security clearance—

which would have required a hearing—and Reilly said no, repeating the word "no" several times.

Otepka said there were materials in his office that would be relevant to his work on the handbook. Reilly replied that Belisle would accompany Otepka to his office and assist him in identifying the material that he could use. Belisle did accompany Otepka to his office and spent the rest of the day in going over Otepka's material and deciding what Otepka could keep.

On the following day Belisle announced that Reilly was leaving on a vacation, that he, Belisle, would be acting director of the Office of Security and that he was designating another man, Raymond Laugel, to sit with Otepka during the screening of Otepka's material. Mrs. Powers, Otepka's secretary, also assisted in this work, until Belisle came in and told her to "pick up your things and get out."

Otepka's safes contained many unique and valuable records and files containing personnel security data and information. These records had been collected and preserved by Otepka over the years. Many of them related to persons currently occupying key posts in the Department of State.

Otepka pointed out to Belisle that these records were particularly useful to evaluators in assuring that all relevant information was included in reports, investigations and research data on applicants and employes. Belisle responded that the records were duplications and unnecessary material that need not be kept around cluttering file cabinets; that if an evaluator needed something he could go to a central security file and rely only on that.

Files and records of Norpel and Hughes were also impounded by Reilly on June 27. The combinations of their safes were also changed and the safes were locked. Norpel, however, was permitted to return and retrieve his cigarettes from his safe.

Hughes and Norpel were assigned to routine investigations of low-level clerical applicants. Hughes had been one of Otepka's top evaluators, having been of great assistance in obtaining material on the Wieland case. Norpel who had served in the FBI for 13 years, including duty as an inspector, was also a top evaluator. Mrs. Powers, who had been Otepka's secretary for 10 years and was an expert stenotypist, was put to work transcribing from dictaphone cylinders.

Other members of Otepka's special staff, Hite, Gardner and Loughton, remained in the Division of Evaluations for the time being, but were transferred to the Bureau of Inter-American Affairs as administrative officers in March 1964. Loughton was informed by Belisle that there was no future for him in the Office of Security and he therefore accepted an assignment as a consular officer in Mexico.

Gardner accepted a similar assignment after finding that there was nothing for him to do in the Bureau of Inter-American Affairs. Hite likewise found no work for him in the Bureau of Inter-American Affairs, and he "just sat around reading newspapers and waiting for the day to pass."

Reilly testified in this hearing that Hughes and Norpel were transferred because "they were close companions of Mr. Otepka" and he wanted to get them out of the Division of Evaluations. He testified also that he knew that Norpel, Hughes, Hite, Loughton and Gardner were all friendly to Otepka or close to him.

On June 27, 1963, instructions were issued that no files from the file room were to be charged to Otepka, Norpel, Hughes or Mrs. Powers. On July 2, 1963, Traband issued instructions that Otepka was not to obtain any file or material from the Evaluations Division. On July 23, 1963, Belisle orally instructed Otepka that he was not to enter the offices of the Division of Evaluations, and that if members of that division wanted to talk to Otepka they could come to the office to which he had been transferred. Later in the day Belisle issued a memorandum to this effect. The memorandum read:

"This will confirm my instructions given to you on July 23, 1963, that you are not to have access to the space occupied by the Division of Evaluations. In the event that you require any information for the performance of your detail, you may discuss it with myself or Mr. Reilly and we, after determining the need, will make the necessary arrangements."

On July 22, 1963, the day before this order was issued, Belisle instructed the employes of the Division of Evaluations, Special Review Branch, that no information relating to any case being handled in that division should be given to Otepka and no cases should be discussed with him.

A 10 BY 14 OFFICE

Otepka was assigned to a small room some distance from his former office. The room was located on a blind corridor in the Office of Security area, directly across the hall from the electronics laboratory containing all of the department's equipment for electronic intelligence and surveillance operations.

The office had one telephone, which was an extension from the telephone located in an adjoining office where the call bell was also located. When Otepka had an incoming call it was necessary for a young lady in the adjoining office to come in and tell him, and he then would take the call on his extension.

The office, which was approximately 10 by 14 feet, contained two desks, bookcases and file cabinets. Mail reached Otepka through the person next door. None of the usual departmental circulars and regulations, and no classified material whatever, were sent to Otepka. Personal mail addressed to him, including some registered mail, was sometimes opened before it reached him.

For about a year after June 27, 1963, Otepka had no secretary. One June 27, 1963, Reilly had offered the services of his secretary, Mrs. Catucci, the lady who had theretofore cursed Otepka and torn her hair in his presence, but Otepka, not unnaturally, declined to avail himself of her services. In August 1963 Reilly suggested that Otepka might use the services of a temporary summer employe, but Otepka felt that such an employe was not the kind of person he cared to use. The services of Elmer Dewey Hill's secretary were then tendered to Otepka but were also declined.

Finally Otepka was given a dictaphone but without a transcriber, so that his dictation had to be transcribed elsewhere. A transcriber was later supplied to him, but after a short while it was taken away.

Otepka's exile to his little room under these conditions has continued to the present day. Protests by him against his working conditions have been unavailing.

On July 29, 1963, Otepka learned that agents of the Federal Bureau of Investigation were interviewing his former associates, Loughton, Norpel, Hite, Hughes, Burkhardt and Gardner. Otepka was informed by these former associates that the FBI agents had questioned them regarding their knowledge as to whether Otepka had furnished classified data to an unauthorized person, namely, J. G. Sourwine, chief counsel for the Senate Internal Security subcommittee. The former associates denied that they had any such knowledge.

They were also asked if they had seen transcripts of Reilly's testimony before the Internal Security Subcommittee and they denied having seen such transcripts, or that they had any knowledge of Otepka's having seen the transcripts.

Otepka's former secretary, Mrs. Powers, was also interviewed by the FBI, and she informed Otepka that the agents questioned her about a portion of an FBI report on Harlan Cleveland and a memorandum prepared by Otepka with respect to Charles Lyons, several memoranda concerning the appointment of certain persons to the department's Advisory Committee on International Organizations, and a note addressed to Otepka by Mrs. Powers setting out information provided to her by Mrs. Schmelzer to the effect that Mrs. Schmelzer suspected that Otepka's telephones were tapped. Mrs. Powers told the agents that all of these papers had either been prepared by Otepka or were in the safe.

On Aug. 12, 1963, Otepka was recalled as a witness by the Senate Internal Security subcommittee, his appearance having been requested by the subcommittee through the office of the assistant secretary of Congressional Relations.

On this occasion Otepka produced his memorandum with attached exhibits, which he had prepared for submission to the committee, and the memorandum with the exhibits was received in evidence and made a part of the official record of the Internal Security subcommittee.

The transcript of Otepka's testimony on this occasion, together with the text of his memorandum and attached exhibits, is printed in Part 20 of the transcript of the subcommittee's hearings, page 1699–1758, and has been received in evidence as Appellant's Exhibit A in this hearing. The transcript reflects that Otepka testified in part:

"Mr. Sourwine: Mr. Otepka, are you aware that Mr. John Reilly, in his testimony before this committee, controverted many statements previously made by you when you testified?

"Mr. Otepka: Yes; I was given to understand that it did.

"Mr. Sourwine: Did you have an opportunity to examine Mr. Reilly's testimony, the transcript of his testimony?

"Mr. Otepka: Yes, sir.

"Mr. Sourwine: Did I furnish you with a copy of this testimony and ask you to prepare a memorandum of reply covering point by point all of those instances in which you felt Mr. Reilly's testimony was inaccurate or untrue?

"Mr. Otepka: Yes, sir.

"Mr. Sourwine: Did you prepare such a memorandum?

"Mr. Otepka: I did, sir.

"Mr. Sourwine: You prepared it yourself?

"Mr. Otepka: Yes, sir; I did.

"Mr. Sourwine: Is this it?

"Mr. Otepka. That is the memorandum I prepared.

"Mr. Sourwine: That memorandum is accompanied by certain exhibits Nos. 1 through 13?

"Mr. Otepka: Yes, sir; which were intended to be used by me.

"Mr. Sourwine: The exhibits were furnished by you in connection with the memorandum for the records of this committee?

"Mr. Otepka: The exhibits were intended to be used to refresh my recollection in connection with my forthcoming testimony before this committee of which I have previously been apprised."

On Aug. 14, 1963, Otepka was called to the field office of the Federal Bureau of Investigation to be interviewed by two agents. The interview lasted through the afternoon of August 14, all day on August 15, and throughout the morning of August 16. Otepka was advised at the outset that he was being investigated to determine whether he had been guilty of violations of the Espionage Act, a criminal statute.

Among other things, he was asked whether he had turned over to Mr. Sourwine certain documents which had been in his safe, including memoranda or reports on Seymour Janow and Harlan Cleveland. He denied having turned these papers over to Sourwine.

At the conclusion of the interview he signed

the statement which is attached to the charges as Exhibit A. Otepka freely answered all the questions the agents asked him, did not conceal or attempt to conceal anything, and told the truth, because he felt he had nothing to conceal. His written statement, Exhibit A, attached to the charges, was the truth. He admitted turning over documents to Mr. Sourwine, including those referred to in the charges.

Reilly had discussed Otepka with Mr. Alan Belmont of the FBI at some time prior to June 27, 1963, while the surveillance of Otepka's burn bag was going on. According to Reilly he went to the FBI at that time because a summary sheet or a reproduction of a summary sheet from an FBI report relating to Harlan Cleveland had been found in Otepka's burn bag, and it appeared to Reilly "from this reproduction of an FBI report, or indication of it, that there might have been a mishandling of it, and I wanted then to know, and I felt it should be looked into." According tho Reilly, at that time, "Mr. Belmont merely thanked me for the information."

In the latter part of July 1963 Reilly conferred again with the FBI; they wanted to know what he knew about Otepka and who might be interviewed in their investigation.

On Aug. 14 and 15, 1963, pursuant to instructions from William J. Crockett, deputy under secretary of state for administration, Reilly issued written instructions to all personnel of the Office of Security that they were not to appear before the Senate Internal Security subcommittee, or have any contacts with or interviews by members of the subcommittee staff, without clearing in advance with Crockett personally.

While he was being interviewed at the offices of the FBI on the morning of Friday, August 16, Otepka received word through one of the FBI agents that his presence before the Internal Security subcommittee was requested, and he did appear and testify that afternoon. As he had spent the afternoon of August 14 and the entire day of August 15 in the FBI offices, he had not received the Crockett-Reilly orders of August 14 and 15 and did not receive them until the following workday, Monday, Aug. 19, 1963.

On July 29, 1963, in the course of his testimony before the subcommittee, Belisle was asked whether he had any information concerning the interception of conversations in Otepka's office. He replied that he did not. On Aug. 6, 1963, Reilly appeared before the committee and was asked whether he had ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in Otepka's office. He answered in the negative.

The charges against Otepka were served upon him Sept. 23, 1963.

On September 30 Stanley Holden informed Otepka that his present office (Room 38A05) was under "technical surveillance," meaning that the telephone was adjusted to intercept conversations in the room while the receiver was both on and off the cradle. Holden said the telephone operations were directed by Elmer Hill, who had "bugged" the telephones of other employes, including the phone of Holden himself. This information was confirmed to Otepka on October 2 in a conversation with George Pasquale.

On Oct. 4, 1963, Sen. Thomas Dodd, vice chairman of the Senate Internal Security subcommittee, delivered to Secretary Rusk a letter in which he stated that the subcommittee had knowledge of the tapping of Otepka's telephone, how it was done, and who did it.

Reilly suspected that Holden had given information to the Internal Security subcommittee about the tapping of Otepka's telephone. Accordingly, he sent Joseph Rosetti and Robert McCarthy to see Holden at Holden's house.

While there McCarthy questioned Holden about his knowledge of leaks of information to the subcommittee concerning the tapping of Otepka's telephone. In the course of the conversation McCarthy became loud and abusive and shouted at Holden, saying in effect that he was going to get Holden if Holden had been responsible for the leak and would not so inform him.

He asked Holden if he was acquainted with George Pasquale and if he had given Pasquale any information about the tapping of Otepka's telephone. He reminded Holden of his "loyalty, particularly to Joseph Rosetti." This incident occurred in October 1963.

On Nov. 5, 1963, Sen. Dodd stated on the floor of the Senate that the committee had evidence that Otepka's phone had been tapped. He mentioned the possibility of prosecutions for perjury of witnesses who had denied that the tapping occurred. The next day, Nov. 6, 1963, Reilly and Belisle addressed letters to the subcommittee, expressing a desire to "amplify" their previous testimony about bugging and wiretapping.

On Nov. 14, 1963, Belisle appeared before the committee and admitted that contrary to his previous denial he did in fact have specific information about the compromising of Otepka's telephone. On Nov. 15, 1963, Reilly appeared and admitted that his previous denials, with respect to the compromising of Otepka's telephone, had been untrue.

Shortly after his November appearance before the subcommittee Reilly resigned from the State Department by request. He left the payroll in February 1964. On Sept. 1, 1964, after a period of private practice, he became a trial attorney with the Federal Communications Commission, in which capacity he is still employed. Belisle is still employed by the Department of State.

CONCLUSION

The facts that have been recited are clearly established by the evidence. They speak for themselves so eloquently that extended argument and discussion are unnecessary.

Beginning in 1960 there was a schism between Otepka on the one hand and his superiors in the Department of State on the other, caused by Otepka's insistence upon the observance of sound and proper security practices, and his refusal to approve the employment or retention of persons of dubious character and background.

This schism was not a mere disagreement about matters concerning which reasonable men might properly differ. The cases that have been described establish a pattern of deliberate attempts on the part of Otepka's superiors to disregard or violate the security regulations and sound and proper security practices.

The evidence demonstrates that Otepka resolutely and consistently opposed these attempts and that his opposition earned him the animosity of his superiors. No other reasonable conclusion from the facts is possible.

It is not reasonable to conclude, as may be suggested, that Otepka fell into disfavor because he was inflexible and opinionated. His magnificent record and reputation, built up and acquired over the years prior to 1960, belie any such suggestion. Surely a man of his demonstrated ability, integrity and accomplishment did not become overnight an incompetent sorehead, constitutionally unable to work in harmony with his superiors, and consistently wrong.

Nor is it reasonable to conclude that the animosity of Otepka's superiors was produced only by the fact that he furnished information to the Senate Internal Security subcommittee. His cooperation with the subcommittee was a mere excuse, seized upon in an attempt to justify his removal from office.

In this connection it will be remembered that Reilly admitted in this hearing that so far as he knew Otepka had done nothing wrong when on March 13, 1963, he, Reilly, instituted his extraordinary surveillance of Otepka.

It is plain that Otepka was an impediment to those in the Department of State who were not in sympathy with the security system and who were determined to disregard or circumvent the security regulations. In furtherance of this purpose they resolved to purge Otepka by fair means or foul. They finally resorted to the tactics of the secret police and the device of synthetic charges.

PRIVATE VENDETTA?

It may be suggested that the measures taken against Otepka by Reilly and Belisle were the result of a private vendetta undertaken by them without the knowledge or approval of their superiors. The suggestion does not withstand analysis

It is obvious that the conflict was not between Otepka on the one hand, and Reilly and Belisle on the other, but between Otepka and those in high places whose actions Otepka was properly attempting to restrain. Reilly and Belisle were only the instruments of management policy.

It is not reasonable to believe that their treatment of Otepka did not have the approval and support of their superiors. By the same token, it is not reasonable to contend that Otepka should have appealed from Reilly and Belisle to those same superiors.

No claim has ever been made that Otepka has at any time failed to tell the truth, either in his appearances before the Senate Internal Security subcommittee or in his statement to the Federal Bureau of Investigation, or in his testimony at this hearing.

Moreover, it cannot be denied that in giving to the Senate Internal Security subcommittee the documents involved in the charges against him he was actuated by the highest motives. Specifically, he was correcting Reilly's false testimony; more generally, he was fulfilling his duty to assist the committee in its investigation by telling the truth. He was not a volunteer witness but one who had been regularly and properly summoned by the committee.

In view of the circumstances it is difficult to understand the contention that he conducted himself "in a manner unbecoming an officer of the Department of State," that his actions constituted "a breach of the standard of conduct expected of an officer of the Department of State," and that his dismissal is therefore justified. Assuming that his production of documents was a technical violation of some directive or regulation—which we do not concede—it is plain that many more serious derelictions on the part of officers of the Department of State have not resulted in the dismissal, but rather have been condoned.

The charges against Otepka are a makeweight, contrived in an attempt to destroy an honorable man who has done no more than his duty. The charges should be dismissed and Otepka should be commended for his actions and restored to duty.

Respectfully submitted,

ROGER ROBB,
Attorney for Otto F. Otepka.

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

Mr. FANNIN. I yield.

Mr. GOLDWATER. Mr. President, I have been interested in this case ever since it first began. I felt all along that a grave injustice had been done Mr. Otepka. I think that we have the opportunity here today to change those injustices and bring back some justice.

I have not been amused, because it is difficult to be amused by people who write in a vicious way by trying to insinuate, as some of our large eastern newspapers have been doing, that something is wrong with the man.

We keep hearing references in the debate here today to the days of McCarthy,

as if we are to assume that McCarthyism implies guilt by association and so forth.

I can recall the terrible furor the New York Times put up about McCarthyism. Yet, they are practicing it in this case.

I remember how upset the Washington Post became because Joe McCarthy and McCarthyism became evil terms. Yet, today we see the same thing going on.

This man has not been tried by the Senate. He has not been tried by any proper court of justice. He has been tried in the pages of our newspapers by some honest and some dishonest columnists, some of whom have a very consistent record of never being accurate.

Yet, I am very pleased to read in the report of the nomination of Otto Otepka a few things from other sources. The New York Daily News on March 21, 1969, in an editorial entitled "Justice For Otepka," said:

> Mr. Otepka, as a State Department security officer, was a victim of a departmental vendetta of the most contemptible kind—because he gave information to the Senate Internal Security Subcommittee headed by Senator James O. Eastland (Democrat-Mississippi). He was relegated to a meaningless State job.
>
> The President now seeks to grant Otepka a measure of belated justice. As was to be expected, professional "liberals" are trying to wreck this Presidential effort—with the other New York morning newspaper leading the snapping, snarling pack.
>
> The Senate can best rebuke these gentry by confirming the Otepka nomination forthwith. And Congress could do nothing better, we believe, than to pass a new subversive activities law reversing the Earl Warren Supreme Court decisions which have clipped so many of the SACB's original claws.

Mr. President, the April 8, 1969, issue of the Stars and Stripes, under the byline of Vera Glaser, carried this assertion:

> Otepka's two decades of experiences in the field would make him, if confirmed, the only Board member with the credentials to manage a wide-ranging evaluation operation.

Mr. Clark Mollenhoff, a Pulitzer Prize-winning reporter known for objectivity and honesty had this to say in part among other comments of his appearing in the report:

> Despite the care with which Otepka related his case, I had difficulty in believing it was as one-sided as it appeared. I made every effort I could to determine if the facts were glossed over or omitted by Otepka or the Senate committee.
>
> But there was no hint from anyone that Otepka was involved in either subversion or crime * * * No one could or would cite a case of irresponsibility or lack of balance in any Otepka evaluation * * *.

Mr. President, I think it is good that in the traditional American way this is being finally brought out to the American public.

I know that my mail reflects overwhelming support for Mr. Otepka and represents also the wish to have an opportunity to say thanks to a man who had the courage to do what was much needed at the present time; namely, supply the papers that proved him to be innocent and at the same time brought out the facts that many people had felt to be true, that there was something in the State Department not just quite right in the matter of personnel there.

I am proud to join with my colleagues in the Senate in urging a favorable vote on Mr. Otepka's nomination after we have roundly and soundly defeated the motion of the Senator from Ohio.

Mr. MURPHY. Mr. President, I join with my colleagues in enthusiastically endorsing the nomination of Otto Otepka. I, too, have had some experience in these matters. I have gone to the trouble of doing a little research to find out exactly what happened. Much of it has already been covered. I hope my colleagues will bear with me for a few moments if I repeat to some extent what has already been said. There is great conviction.

Mr. President, any fairminded person who will take the trouble to do the research necessary to gain an understanding of the facts in the Otepka case can hardly fail to come speedily to the conclusion that Mr. Otepka could not in good conscience have done anything but what he did.

All of the facts in the case are available to anyone who will take the time to read. I propose to discuss just one aspect of the case, and for the benefit of anyone who wants to go more deeply into the matter, let me say the documentation for my statements here today will be found in part 7 and 20 of the hearings of the Internal Security Subcommittee on State Department Security, 1963–65, and in part IV of the report of the same Subcommittee on State Department Security, and in the legal brief filed by Mr. Otepka's counsel, which was printed in the CONGRESSIONAL RECORD, volume 113, part 27, beginning at page 36574.

What I want to make clear here today is the background of the particular information furnished by Mr. Otepka to the Internal Security Subcommittee, which was the basis for the only three charges against Mr. Otepka, out of 13 charges originally made, which the State Department did not withdraw.

On July 30, 1962, the New York Times printed a long letter to the editor dated 6 days earlier and signed by a Leonard Boudin. Mr. Boudin is a lawyer, of sufficient notoriety, I believe, to be known to the Times management. He was a lawyer with scores of clients. He was well known as a lawyer who over the years had achieved the reputation of defending many people who had been involved or who had been apparently friendly toward the Communist cause. Among those he has represented were secret American Communists who had colonized the United Nations, during 1945 and 1946, and who invoked the fifth amendment before the Senate Internal Security Subcommittee. Mr. Boudin also represented the Communist Party U.S.A. in proceedings before the Subversive Control Board.

In his letter to the Times, Mr. Boudin complained that President Eisenhower's security screening procedures for employees of international organizations such as the U.N. were too harsh, and should be relaxed. Mr. Boudin explained he was writing to the Times because, he said:

> The public is not aware that the careers of many devoted and brilliant international civil servants were destroyed in the hysteria of the 1950's.

He also complained that information in congressional files was used against these persons.

In due course, a clipping of Mr. Boudin's letter to the Times was routed to Mr. Otepka's superior, John F. Reilly, who passed it on to Mr. Otepka on August 3, 1962, without comment. Mr. Otepka, noting that the letter praised one man who had just resigned as executive assistant to the Secretary General of the U.N., retained it for appropriate evaluation. The letter coincided with data received by Mr. Otepka a few days earlier, advising him that the Assistant Secretary of State for International Organization Affairs had proposed, after a discussion with Under Secretary of State George Ball, the formation of a committee within the State Department to be known as the Advisory Committee on International Organization Staffing. This committee was to prepare procedures for "strengthening" U.S. influence in the staffing policies of international organizations.

At the outset the Under Secretary personally selected eight persons to serve on the committee. Later he added two more as replacements.

The Under Secretary requested that all the persons selected be brought into the Department of State under a waiver of security investigation.

Here we have the ludicrous situation of those who were to write the rules for security checks being brought into the Department without being submitted to any security checks themselves.

Due to extensive research undertaken by Mr. Otepka during the Eisenhower administration, while on an assignment dealing with persons involved in loose security practices, Otepka had studied and surveyed previously hidden material which was available, and he found that the security files of three of the nominees contained unresolved derogatory information of long standing which, under the regulations of the State Department, needed to be fully resolved by a current FBI investigation and State Department evaluation, before the appointment of the individuals to positions in the Department.

Mr. Otepka's superiors, who were seeking primarily to accommodate the Under Secretary of State, disagreed with Mr. Otepka's desire for a preappointment investigation. They prevailed. The result was that these three members of the Cleveland Committee, about whom Mr. Otepka was principally concerned, entered on duty without the required investigation. Thereafter, under the protective influence of the Under Secretary of State and his helpers in the Department's Office of Security, the committee set about its task, allegedly to improve U.S. security procedures to apply to Americans employed by international organizations.

In February 1963, Mr. Otepka obtained a draft report embodying the findings and recommendations of the committee. The report contained the endorsements of the three men in question, among others. In making his analysis of this

report, Mr. Otepka opposed the committee's recommendation. The recommendation was similar to the recommendation made earlier by Mr. Boudin, in his letter to the New York Times, that the requirement for a full background investigation before appointment to a U.N. agency be eliminated. Mr. Otepka furnished his comments to Mr. Reilly, who apparently ignored them and did not transmit them to the Under Secretary involved.

Because the security procedures which the Under Secretary's group sought to strike from a Presidential order had been mutually developed by the executive branch and the Senate Internal Security Subcommittee, and since Mr. Otepka was already under a summons to testify regarding all security practices, he informed the subcommittee of the proposed changes and why he opposed them: In his judgment, the elimination of the security checks in advance of appointments to U.N. agencies would weaken rather than strengthen security operations.

I must say that I heartily agree, because, having some knowledge of the activities of those days, I believe that many, many mistakes were made, for which we are still paying dearly.

After Otepka testified, he was called as a witness by his superior, Mr. Reilly. There followed a series of appearances by the two men, which developed a substantial number of serious contradictions, which were so well reported by the distinguished Senator from Connecticut (Mr. DODD). For instance, Mr. Otepka testified that he had furnished Mr. Reilly with memoranda about the three men in question. Mr. Reilly swore Otepka had told him about only one of the proposed appointees. When Otepka's attention was called to this conflict of testimony, and he was instructed to produce what evidence he could to show that his version was correct, he produced relevant documents which showed exactly that.

The documents in question included substantive information about the three nominees in question. When the subcommittee notified the State Department of its intention to publish the names, Under Secretary of State Ball and Deputy Under Secretary for Administration William J. Crockett, waged a protracted contest with the subcommittee in an effort to suppress the publication. If successful, the State Department would have blotted out, most effectively, the main points in Mr. Otepka's case.

After 11th-hour arguments, the subcommittee ordered the publication of the documents regarding the three names, the objections of the State Department to the contrary notwithstanding. The Department had made it obvious that Mr. Otepka had stepped on some tender toes. Prominent persons, aided by left-wing elements, had been in a big hurry to go to work on the emasculation of Government security procedures.

The subcommittee's release of the documents was reported in the New York Times of October 2, 1966. The Times story quoted Mr. Crockett as saying to the subcommittee that the publication of the documents "could cause undue embarrassment and distress to the persons involved." Times Reporter John D. Morris added to this his interview with Mr. Crockett, who told him that "the publication of the Otepka memorandum was a great disservice to the men involved."

It is important to remember, Mr. President, that it was the committee, not Mr. Otepka which ordered this material published. Mr. Otepka furnished the information to the committee not for the purpose of embarrassing anyone, but for the purpose of supporting his previous testimony that he had furnished his superior, Mr. Reilly, with a memorandum about these individuals.

This is the story of the beginning of one of the most unfortunate experiences to condemn any man, I believe, who ever worked in the Government. I believe that Mr. Otepka did what he had to do, that he acted properly, and that he acted in line with his training, his duty, his tradition, and his sense of patriotism. That he should have been persecuted because of this, for a period of more than 5 years, would be beyond belief if it had not happened.

Mr. President, I submit that if we had had more men like Otto Otepka and stronger security checks in our national background during the last few years, our country would have far fewer problems than we have to face today, both at home and in our international relations.

Therefore, I have spoken most enthusiastically in behalf of Otepka, and I enthusiastically endorse his nomination. I hope that all Senators will join in this endorsement.

Mr. THURMOND. Mr. President, the case of Otto Otepka must, in final analysis, stand in the history of this Nation along with other contests and efforts to preserve the security of our great country.

This is a case of a man who stood up for his country, who stood up for his principles, who asked the question, "Is it right?" and not whether it would meet with the favor of his superiors.

Mr. President, because this man stood for what he believed in, he was ostracized in spite of the fact that what he did was legal and in accordance with the public policy of this Nation as enunciated by the Congress and public law of the Federal Government. The law to which I refer is contained in the United States Code, title 5, section 652(D) and states:

> The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any member thereof, or to furnish information to either House of Congress or to any committee or member thereof, shall not be denied or interfered with.

Mr. Otepka availed himself of this law, this statement of public policy, when he confidentially offered to the Subcomittee on Internal Security certain documents which illustrated the deterioration of security practices which were designed to protect the security of this Nation.

As a matter of fact, Mr. Otepka furnished no substantive material from personnel files that was not already a matter of record in public or in the subcommittee, and his sole purpose was to demonstrate that his description of these documents was accurate, thereby showing that his superiors had apparently lied under oath.

Mr. President, the facts of this case are not in dispute and it is now public record that when Mr. Otepka's action became known the State Department began an extraordinary campaign of harassment and intimidation. His telephone was tapped, his safe was sealed, and he was demoted to a meaningless job; and finally, in December of 1967, the then Secretary of State, Dean Rusk, ruled that Mr. Otepka was guilty of conduct unbecoming a State Department officer and issued orders prohibiting him from ever having any access to security files again. This was a summary judgment designed to punish a man who was concerned about the security of his Nation.

Now, Mr. Otepka has been vindicated. President Nixon's action in appointing Mr. Otepka to the Subversive Activities Control Board speaks for itself. In this new position, Mr. Otepka will deal with the security of this Nation and certainly no man has more clearly proven his ability to act in this field and his great dedication to the purpose of protecting his country.

The Committee on the Judiciary of the Senate has favorably reported the nomination of Otto Otepka and I concur with their finding and the majority report of the committee.

Mr. President, I support the confirmation of Mr. Otepka as a member of the Subversive Activities Control Board.

Mr. President, much has been written about the Otepka case. However, an excellent summary of the principal aspects of the case recently appeared in the weekly newspaper, Twin Circle, edited by the Rev. Daniel Lyons, S.J. For those who want to refresh their memory about the case, this article "Otepka's 5-year Struggle Ends," by Vincent J. Ryan, is one of the best summaries I have seen, and I commend it to all my colleagues. Mr. President, I ask unanimous consent that this article, from Twin Circle, March 30, 1969, be printed in the RECORD at the conclusion of my remarks.

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

[From the Twin Circle, Mar. 30, 1969]

OTEPKA'S 5-YEAR STRUGGLE ENDS

(By Vincent J. Ryan)

Having tried for over five years to regain his position as Chief of the Evaluations Division in the Office of Security in the Department of State, Otto F. Otepka has decided to accept from President Nixon an appointment to the Subversive Activities Control Board (SACB). This body handles cases from the Department of Justice that deal with Communist organizations and individuals.

Otepka, regarded by a fellow professional in the security field as "one of the very best security men in the government, one of the most experienced, one of the most able," was fired from his State Department job in 1963 by Secretary of State Dean Rusk, who asserted that Otepka had behaved in a manner "unbecoming an officer of the Department of State."

Otepka's "unbecoming" behavior was that he told the Senate Internal Security Subcommittee the truth about the laxity or lack of thorough security investigations in the State Department. When told by the

Subcommittee's counsel that he would have to prove his charges against the Department in order to avoid a possible perjury indictment. Otepka felt duty bound—both legally and morally—to cite specific instances and to name names.

He cited eighteen cases where security in the State Department was either lax or non-existent. And the individuals he named as responsible for such laxity were none other than his immediate superiors. And so Rusk fired him for conduct "unbecoming an officer of the Department of State."

According to the U.S. Code, "the right of persons employed in the Civil Service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee or member thereof shall not be denied or interfered with."

But in the case of Otto Otepka, civil servant, loyal American, such a right was "denied," was "interfered with."

Although fired by Rusk in June 1963, and although he appealed his ouster immediately, Otepka had to wait until June 1967 for a departmental hearing. As a result of the hearing, which was held behind closed doors, only three of thirteen charges against him were retained. And those dealt with an alleged violation of a directive that President Truman issued in 1948 forbidding government employees from divulging information from personnel security files to members of Congress.

Otepka does not deny that he provided the Senate Internal Security Subcommittee with certain information from the security files, but he had to do so to show that he, and not his superiors, had told the truth to the Subcommittee.

In December 1967 Secretary Rusk upheld the charges against Otepka, reprimanded him and demoted him, and then assigned him to work outside the security field.

Otepka immediately appealed to the Civil Service Commission. In September 1968 he lost his appeal when the Commission upheld the findings of an examiner who ruled that Rusk was legally justified to demote, reprimand and bar Otepka from security work and that the Truman directive of 1948 takes precedence over the act of Congress protecting government employees who testify before Congress.

But let's look at the record:

Otto Otepka began his government career as a messenger in 1936. By 1942 he had won a law degree from Catholic University. After services in the Navy during World War II, he returned to his position as a personnel security specialist with the Civil Service Commission.

In June 1953 Secretary of State, John Foster Dulles, brought Otepka into the Department of State to use his talents to implement Executive Order 10450 which set security standards for all federal employees. Under this directive, if there is any doubt about the loyalty or integrity of an individual the decision made by the evaluator must be in the national interest and not in the interest of the individual.

In 1958 Otepka, who had risen to the rank of deputy director in the Office of Security, received from Secretary Dulles the Meritorious Service Award for an "outstanding display of sound judgment, creative work and acceptance of unusual responsibilities."

Late in 1960, during the transition period between the outgoing Eisenhower administration and the incoming Kennedy administration, Otepka conferred with the future Secretary of State Dean Rusk about security measures and procedures at State. Specifically, Rusk wanted to know if Otepka would give security clearance to one Walt W. Rostow. Otepka replied that he had refused Rostow clearance in 1955 and in 1957 and would have to deny him clearance again. Nevertheless Rostow joined the White House staff as an assistant on national security to President Kennedy. In 1961 he transferred to the State Department, where he chaired the Policy and Planning Committee. In 1966 he transferred to the White House as special assistant for national security affairs.

When Otepka refused to clear obvious security risks, like Rostow, Secretary Rusk began to sign security waivers, a minimum of 152 of them. (During the Eisenhower administration, only five waivers were signed at State.) Rusk's waivers were even backdated to indicate that a thorough security check had been made on the particular individual.

And security matters at State continued to deteriorate.

For example, Otepka was asked one day by Assistant Secretary of State for International Organization Affairs Harlan Cleveland if he would approve the hiring of convicted perjurer Alger Hiss. (Hiss, a top State Department aide during the Roosevelt-Truman era, was convicted of perjury for denying under oath that he was a Communist.) Otepka told Cleveland that no one who has been found guilty of a felony may work for the government.

Because of his penchant for strict security checks on Department personnel, Otepka became the official Department troublemaker. He found it increasingly difficult to do any real security evaluating. In a reorganizational shuffle, he was demoted from deputy director of the Office of Security to chief of the Evaluations Division. His staff was tormented and demoralized, his telephone was bugged, and his files rifled. Matters came to a head when he testified before the Senate Internal Security Subcommittee. His testimony and that of his superiors was in direct contradiction. One of his superiors questioned his sanity. Finally the FBI was called in to investigate Otepka for possible violation of the Espionage Act. The investigation ended almost before it started. There was no case against this honest public servant.

During the 1968 Presidential campaign, Mr. Nixon promised that he would "order a full and exhaustive review of all the evidence in this case with a view to seeing that justice is accorded this man who has served his country so long and so well."

But earlier this year, in what seemed to be a setback for Otepka, President Nixon's Secretary of State William Rogers informed Otepka that all remedies for redress both in the Department and with the Civil Service Commission had been exhausted and that Otepka's only avenue of action would be the courts.

But time and money (some $50,000 to date) were running out. Otepka simply wanted vindication. He wanted to have the record show that he had done no wrong, that the best interest of his country was his only consideration. And what is more, if Otepka were to go into court, the public testimony could prove very embarrassing to a lot of people still in high places in Washington. The entire sordid story, this gallant fight for truth and justice, would become known around the world.

But more pragmatic minds prevailed. Otepka's attorney Roger Robb assured him that a Presidential appointment, in this case to the SACB, was tantamount to complete vindication. Senators Everett Dirksen (R.-Ill), Barry Goldwater (R.-Ariz.), and Strom Thurmond (R.-S.C.) also advised him to accept the Presidential appointment. And he did.

One interesting development is the introduction by Senator James O. Eastland (D.-Miss.) of S. 12, a bill which would create a Security Administration for Executive Departments. This agency would conduct all security checks on government employees now handled on a departmental basis. The administrator of the new body would be the chairman of the SACB, appointed by the President.

According to Human Events, the respected Washington weekly, "if S. 12 becomes law, it is likely that Otto Otepka will be involved in more security work than he had ever been in the State Department."

Let us hope so.

Mr. THURMOND. Mr. President, I hope the Senate will promptly approve the nomination of Mr. Otepka.

(At this point Mr. HOLLINGS assumed the chair.)

Mr. DIRKSEN. Mr. President, we agreed earlier that we would not vote before 2:30. I think we can vote by that time because evidently I am the last speaker in the procession and I shall take only a few minutes.

First, Mr. President, I would like to have printed in the RECORD an excerpt from the report of the committee on the nomination because it is as good a report as I have seen in a long time. I include therein the minority views of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. TYDINGS). I ask unanimous consent that the excerpt, together with minority and individual views, be printed in the RECORD.

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

EXCERPTS FROM REPORT ON NOMINATION OF OTTO F. OTEPKA

The Committee on the Judiciary, to which was referred the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the remainder of the term, expiring August 9, 1970, vice Edward C. Sweeney, deceased, having considered the same, reports this nomination favorably to the Senate and recommends that the Senate advise and consent to the appointment of the nominee.

HISTORY AND PROCEEDINGS ON THE NOMINATION

This nomination was transmitted to the Senate by the President on March 20, 1969, and has received careful consideration. No effort has been made to rush action on the nomination.

An ad hoc subcommittee (consisting of Senators Eastland, McClellan, and Hruska) was appointed in due course to consider the nomination, and notice of an open public hearing on the nomination was published in the CONGRESSIONAL RECORD of April 13, 1969.

The hearing was held on April 15, 1969. No one appeared in opposition to the nomination.

The subcommittee unanimously reported the nomination favorably to the full committee.

Thereafter Mr. Otepka, who had not been questioned at length on the occasion of his appearance before the subcommittee named to consider his nomination, was called upon to answer a detailed questionnaire with respect to his personal finances and his associations, which was made a part of the printed record under date of May 9.

On May 13, 1969, Mr. Otepka was called before an executive session of the Committee on the Judiciary and Senators were given an opportunity to question him further before the committee voted on the nomination.

With 13 Senators present, the vote was 10 in favor of confirmation and three opposed. It was agreed that absent Senators might record their votes if they wished, since the result could not be changed thereby. The final vote was 12 to 3 in favor of the nominee.

The minority asked that a written report be prepared, with the majority to be given 2

weeks (including 1 week after the preparation of the majority report) in which to file a minority report. This was agreed to without objection.

BACKGROUND AND EXPERIENCE OF THE NOMINEE

At the age of 54 (his birthday was May 6) Otto Otepka is a fine example of the best type of career civil servant, one who has risen in government through his own efforts and ability.

Mr. Otepka started working for the U.S. Government in 1936, as a messenger. For 6 years he occupied minor positions in the Farm Credit Administration and the Bureau of Internal Revenue. For 3 of those 6 years he went to law school at night.

In 1942, the Civil Service Commission appointed him an investigator and security officer, and he served in that capacity until 1943, when he entered the U.S. Navy as an apprentice seaman.

In 1946 he was honorably discharged from the Navy with the grade of petty officer, first class. He returned to his job with the Civil Service Commission, where he continued to serve as an investigator and security officer until 1953, when he was appointed as a security officer in the Department of State.

In August 1953 he became Chief of the Evaluations Division of the State Department's Office of Security.

In September 1955, the then Director of the Office of Security stated in a memorandum that Mr. Herbert Hoover, Jr., had "gone out of his way to express appreciation for Mr. Otepka's work," stressing particularly "form, substance, and objectivity of presentation."

In April 1957, Otto Otepka was appointed Deputy Director of the Office of Security, and became working head of the State Department's personnel security organization.

That same year Mr. Loy W. Henderson, Deputy Under Secretary of State for Administration, wrote a memorandum declaring Mr. Otepka deserving of "special commendation" for his handling of many "delicate" cases of security clearances for Presidential appointments.

At the State Department's Honor Awards ceremony in April 1958, Mr. Otepka received a meritorious service award.

In October 1960, Mr. Otepka's superior advised him in writing that he was being placed on special detail "to establish an organization and methods and procedures to review the security files of all Foreign Service officers and of all general schedule employees of the Department above the GS–14 level." The memo indicated Mr. Otepka was being given this job because he was "the security officer best qualified in the field of personnel security."

In May 1962, the Head of the Office of Security wrote a memorandum praising Mr. Otepka's "ability and his dedication to the security program," declaring that "over the years Mr. Otepka has made a very real and substantial contribution to the Office of Security and hence to the national security."

In September 1964, the then Under Secretary of State for Administration, Mr. Crockett, described Otto Otepka as "a knowledgeable, realistic security man."

In December 1967, the Senate Internal Security Subcommittee reported that Otepka "had established a nationwide reputation as a top security officer."

WHAT HAS BEEN CHARGED? WHAT HAS BEEN PROVED?

In the light of what appears to have been substantial efforts to develop information derogatory of Mr. Otepka, or otherwise adverse to the approval of his nomination, it is important that we understand clearly what has been charged and what has not been charged, and what has or has not been proved.

There is no evidence, and not even an allegation, that Otto Otepka ever performed an act or made a statement harmful to his country.

Even before the State Department withdrew 10 of its 13 counts against Mr. Otepka, Secretary of State Rusk and Deputy Under Secretary Crockett each testified, before the Senate Internal Security Subcommittee, that he did not consider Mr. Otepka to be a security risk.

No specific charge has been made, and there is no evidence that Mr. Otepka ever committed an unpatriotic act or uttered an unpatriotic statement.

No specific charge has been made, and there is no evidence, that Mr. Otepka ever discriminated against any person because of race, color, or religion.

No specific charge has been made, and there is no evidence, that Mr. Otepka ever said or wrote anything that could be described as "racist" in tone or purpose.

Yet Mr. Otepka has been called anti-Semitic with no stronger justification than allegations that he has been supported by a man characterized as a Nazi.

There is no evidence that Otto Otepka ever lied.

His truthfulness was called into question in 1963 when two of his superiors gave testimony contradictory to testimony already given by Mr. Otepka. Confronted with this conflicting testimony, Mr. Otepka produced documentary evidence which established conclusively that his own testimony had been truthful.

Otepka's superiors, whose testimony Otepka had refuted in this way, charged him with "conduct unbecoming a State Department officer" in bringing forth the evidence to prove that he had not lied.

There has been no direct charge that Otepka lied when he said he had no connection with the John Birch Society or the Liberty Lobby. But those who profess to disbelieve Mr. Otepka's statement challenge his veracity by necessary implication.

With regard to American Defense Fund and Defenders of American Liberties, there has been no direct charge that either organization is controlled by or is subservient to either the John Birch Society or the Liberty Lobby.

Mr. Otepka has not been directly charged with having been controlled or improperly influenced by any Nazi or Fascist or other totalitarian organization.

But, however far implications of this nature have fallen short of a direct allegation that Mr. Otepka's "basis of strength" is, in fact, "the Liberty Lobby and the John Birch Society," it seems undeniable that such questions were intended to be raised.

WHAT IS "GUILT BY ASSOCIATION"

It is not correct to label all inquiries respecting a person's contacts and dealings with other individuals, or with groups or organizations, as "guilt by association." In considering an alleged conspiracy, association and contact with others, especially when correlated with concert of action in suport of mutual objectives, may be among the most important factors for consideration.

It is, of course, highly improper to impute to any individual, in the absence of any expression or action on his own part, opinions held or actions taken by his friends or associates. On the other hand, no person should be discharged completely from responsibility for deciding whom he wants as friends, or for determining the nature and extent of his associations with other individuals or with particular groups or organizations.

If all of the support for an individual comes from a single group, or from a single stratum of our society, or from individuals, groups, or organizations which can be categorized as having joined in service to some special interest, it may not be improper to inquire whether the individual or proposal being supported partakes of or will serve or has served the same special interest. But it would be egregiously unfair to impute to a nominee or candidate, whose support comes from various levels of our social strata and from individuals, groups, and organizations having widely divergent views and organizations, a particular view or objective of just one or two of the supporting forces.

THE PROPER STANDARD

In the security field, the proper criterion (under Executive Order 10450) is whether the person whose security is being evaluated maintained "sympathetic association" with individuals, groups, or organizations known to be subversive in character. (It is noteworthy that Mr. Otepka was cleared under this standard, after an FBI investigation, before his nomination was sent to the Senate.)

The Supreme Court of the United States has used a somewhat similar standard, referring to "meaningful association."[1]

OTEPKA HAD NO "SYMPATHETIC" OR "MEANINGFUL" SUBVERSIVE ASSOCIATION

We are convinced, beyond a shadow of doubt, that Otto Otepka has had no sympathetic association with any individual, group, or organization of a subversive nature; that he has had no "meaningful association" with any such individual, or group, or organization, from which it would be proper to draw any inferences that he is or has engaged in a conspiracy, or that he has aided or abetted any such individual, group, or association in attaining any improper objectives. There is no evidence of any probative value that Mr. Otepka shares, or is even friendly to, any subversive or unpatriotic or totalitarian views or principles or activities of any such person, group, or organization.

WHO HAS SUPPORTED OTEPKA?

If the question is "Who has supported Otto Otepka?" there are many possible answers.

Veterans' organizations have passed formal resolutions supporting Otto Otepka. (The American Legion passed resolutions in Otepka's behalf at two national conventions.)

The American Civil Liberties Union supported Mr. Otepka by issuing a statement protesting the State Department's refusal to grant him an open hearing.

Otto Otepka has enjoyed the support of the Young Republican organization, and of the League of Republican Women.

Various editorialists, columnists, and commentators have supported Mr. Otepka. For instance, the New York Daily News, on March 21, 1969, in an editorial entitled "Justice for Otepka," said:

"Mr. Otepka, as a State Department security officer, was a victim of a departmental vendetta of the most contemptible kind—because he gave information to the Senate Internal Security Subcommittee headed by Senator James O. Eastland (Democrat-Mississippi). He was relegated to a meaningless State job.

"The President now seeks to grant Otepka a measure of belated justice. As was to be expected, professional 'liberals' are trying to wreck this Presidential effort—with the other New York morning newspaper leading the snapping, snarling pack.

"The Senate can best rebuke these gentry by confirming the Otepka nomination forthwith. And Congress could do nothing better, we believe, than to pass a new subversive activities law reversing the Earl Warren Supreme Court decisions which have clipped so many of the SACB's original claws."

Under the headline "Otto Otepka Kept

[1] In cases involving affiliation with the Communist Party, the Supreme Court of the United States has ruled that the association must be "meaningful" in order to be the basis for legal sanctions. See *Rowoldt* vs. *Perfetto*, 355 U.S. 115.

Personal Honor," columnist Holmes Alexander said on Saturday, March 22, 1969:

"He would not accept the hidden bribes. He would not bend the knee. He would not yield to threats. He would not accept the upward-and-out promotions that would have saved his dark, handsome, gentle, puzzled face.

"Otto Otepka's personal honor, his professional pride, his Slavic blood that runs rich with stubborn principle—all these kept him fighting for 8 years, and brought him at last to a victory that is a victory for us all—for our freedoms.

"For those who like to be around when history provides a landmark case, this is a time to remember. It will be written that Otto Otepka, civil servant, was true to his oath of office. He would not bend the regulations and grant the wholesale 'waivers' on security clearances, even at the command of the Attorney General and the Secretary of State. It will be written that Otepka struck a blow for freedom of information and for the Constitution's checks and balances, when he gave the Senate what the State Department was trying to hide. It will be written that he was made to suffer long for choosing national loyalty above what the bureaucracy called organizational loyalty."

The April 8, 1969, issue of the Stars and Stripes, under the byline of Vera Glaser, carried this assertion:

"Otepka's two decades of experience in the field would make him, if confirmed, the only Board member with the credentials to manage a wide-ranging evaluation operation."

Commentator Ron David, on station WTOP on April 12 and 13, 1969, said:

"In fact, Otepka is simply a hard-working bureaucrat who tried to do his job, and apply security standards in a uniform manner. He was attacked because he wouldn't make exceptions for political favorites—he simply wanted full investigations. He wasn't calling anyone a Communist without cause. * * * Anyone who does the research on this case necessary to testify is almost certain to conclude that Otepka is a much maligned and much harassed individual.

"Otepka is a man with lengthy experience in the security field. He has a record that shows he cleared Wolf Ladejinsky, a liberal who had been unjustly accused, by Agriculture Secretary Ezra Taft Benson, of being a security risk.

"It is not necessary to argue whether Otepka is the only man for the Subversive Activities control Board or not. He is an American citizen. He has no criminal record. He has a clean record as a Government employee for more than 30 years, and he was given the State Department's Meritorious Service Award by Secretary Dulles in 1957.

"Otepka deserves a fair break. He deserves better than the "smear" by uninformed people. I believe that most of the critics would favor Otepka if they would simply do the research."

On April 26, 1969, in an address to the Bipartisan Council Against Communist Aggression, Pulitzer Prize winning reporter, Clark Mollenhoff, paid tribute to Otto Otepka for "moderation, patience, and conscientious hard work on the seemingly impossible problems that face our society," and expressed the hope that Mr. Otepka's nomination will have been confirmed "within a few weeks." Said Mr. Mollenhoff:

"I hope his term on the SACB will be marked by the same thoughtful and balanced actions that have characterized his approach to his six years of trial * * * Otepka, managed to keep the bitterness to himself and avoided the temptation to engage in a public name-calling contest.

Mr. Mollenhoff declared:

"Every investigation I made of Otepka's story demonstrated that he was accurate on the facts, and balanced in his perspective * * * he was amazingly objective in viewing his own case, had in judgment about the men who were alined against him. He had the restraint and judgment to draw lines between those who were actively engaged in illegal and improper efforts and those who seemed to be simply trapped into a position by carelessness or to present a united political front."

Mr. Mollenhoff told his listeners:

"Despite the care with which Otepka related his case, I had difficulty in believing it was as one-sided as it appeared. I made every effort I could to determine if the facts were glossed over or omitted by Otepka or the Senate committee.

"But there was no hint from anyone that Otepka was involved in either subversion or crime * * * No one could or would cite a case of irresponsibility or lack of balance in any Otepka evaluation."

SENATORS ALSO SUPPORT OTEPKA

Numerous Senators, including those filing this report, have supported Otto Otepka in the past, and support him today.

On October 31, 1963, the members of the Senate Internal Security Subcommittee signed a letter to Mr. Dean Rusk, then Secretary of State, in which, after stating that Mr. Otepka had "performed a substantial service for his country," the Senators declared:

"We would consider it a great tragedy if the services of this exceptionally able and experienced security officer were lost to the U.S. Government."

No inference is justified that any Senator, by supporting Mr. Otepka in the past, or by supporting this nomination now, is doing the bidding of any special interest group or serving any interests except those of the United States of America. For ourselves, individually and collectively, as well as on behalf of those of our colleagues holding similar views, we reject any such implication.

WHERE OTEPKA'S STRENGTH LIES

Otto Otepka's strength lies in his record of outstanding service to his country over a period of more than 30 years, in the respect and admiration accorded him by professional security officers both in any out of the Government; above all, in his "courage in the right" as God gives him to see the right.

COMMITTEE FINDINGS

We find that Otto F. Otepka is an experienced Government administrator. He is intimately familiar with the civil service rules, regulations and personnel practices.

Mr. Otepka is recognized by the intelligence community as an outstanding security officer, especially skilled in the field of personnel security evaluations.

Mr. Otepka has a legal education, and we do not think it detracts from his merit that he had to go to school at night for 3 years in order to get his law degree.

Mr. Otepka is a man of honor, integrity, and ability. His personal and family life are exemplary. He is respected in his community and liked by his neighbors.

Otto F. Otepka is a career civil servant still in the prime of life, though with more than 30 years of service to his government and his country already behind him.

Mr. Otepka is a man of equable temperament and balanced judgment, able to be more than usually objective in his consideration of a situation.

The position for which Mr. Otepka has been nominated represents a Republican vacancy, and Mr. Otepka is a Republican.

As long ago as 1955 the then Secretary of State, Mr. Dulles, cited Otto Otepka as one who had "shown himself consistently capable of sound judgment, creative work, and the acceptance of unusual responsibility." All of the pertinent evidence available to us supports the same conclusions today.

MINORITY VIEWS OF MESSRS. KENNEDY AND TYDINGS

The undersigned members of the Judiciary Committee respectfully dissent from the report of the majority of the committee. That report omits the facts of the personnel actions relating to the nominee at the State Department. It also omits meaningful discussion of the financing of the nominee's legal efforts during his dispute with the State Department. While we have serious questions regarding the standards of "association" to which the majority appear to subscribe, we believe that application here of even much less rigorous standards would have required more careful consideration of the relevance of the nominee's major sources of financing to his suitability for the position at issue. Finally we have serious doubts as to the need for confirming any nominee at this time as the fifth member of an agency which has hardly enough work to occupy one member full time.

When created by Congress, the Subversive Activities Control Board was given exceedingly broad powers to perform what was considered to be a highly sensitive function. The broad sweep of Board power has been significantly circumscribed by the Supreme Court, where it was found violative of the individual constitutional rights of American citizens. The question before this committee is, given the purpose and intended functions of the SACB, Is the nominee qualified to hold the post of Board member? That this has been considered a high Government post is reflected not lightly in the salary accorded by the Congress to those holding the position.

To fulifill the intended functions of the office, it is clear that a member of the SACB must be capable of highly judicious conduct in the performance of his duties, and that his qualities of judicial impartiality and objectivity must be beyond reproach.

The nominee before this committee has not demonstrated these qualifications for office.

His activities in the State Department led to his removal from matters involving administration of personnel security functions. This action was sustained by a Democratic Secretary of State and pointedly not reversed by his Republican successor. In light of the latter position, taken within the current administration, it is difficult to understand the justification for nominating him to a position higher than that from which he was removed.

We have highest regard for the principle that the President ought to have the broadest possible latitude in making his appointments. However, we equally believe that the function of advice and consent places upon the Senate a constitutional obligation to verify the fundamental qualifications of such nominees as the President submits. We feel that our concerns in the areas discussed require us to exercise our advice and consent functions by declining to support the pending nomination.

EDWARD M. KENNEDY.
JOSEPH D. TYDINGS.

INDIVIDUAL VIEWS OF MR. MATHIAS

I do not believe the information of record justifies interference in the wide discretion permitted the President in submitting nominations, and did not oppose Mr. Otepka. I do not believe, however, that the record justifies or the occasion demands all of the assertions in the majority report and therefore associate myself with the separate views of Senators Bayh and Burdick.

CHARLES MCC. MATHIAS.

INDIVIDUAL VIEWS OF MESSRS. BAYH AND BURDICK

We voted in the committee to report favorably for nomination of Mr. Otto F. Otepka to be a member of the Subversive Activities Control Board because of our belief that, in the absence of convincing evidence to the contrary, the President should be allowed considerable leeway in choosing major officers. However, we do not fully concur with all the conclusions cited in the report regarding the qualifications and associations of the

nominee. Accordingly, we do not join in the majority report.

BIRCH BAYH,
QUENTIN N. BURDICK.

INDIVIDUAL VIEWS OF MR. HART

It is with reluctance that I disagree with a majority of the committee on this nomination.

A President should be permitted to have whomever he chooses to aid his administration provided the nominee possesses the temperament and ability to perform his duties, even if it is only probable that he will have duties.

A member of the Subversive Activities Control Board should be an individual whose background evidences balanced judgment and a sensitivity to the probable areas of his potential endeavors.

I am not persuaded that the nominee has demonstrated these qualities.

PHILIP A. HART.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD the introductory statement which I made when I presented Mr. Otepka to the subcommittee that heard the testimony with respect to the nomination.

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

STATEMENT OF HON. EVERETT DIRKSEN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DIRKSEN. Mr. Chairman and members of the committee, I am here to urge the approval by the subcommittee and the full committee of the Otto Otepka appointment, and his confirmation by the Senate; that is, the appointment to be on the Subversive Activities Control Board.

Frankly, Mr. Chairman, the Otepka story is a little fantastic, and I say that advisedly as a member of the Internal Security Subcommittee, and having chaired some of the hearings where Otepka was involved.

I have often thought that maybe James Bond, or Agent 007, or whatever it is, ought to write the story, but Otepka has been in the Federal service for 33 years. He came into the service as an assistant messenger in the Farm Credit Administration. Then he became an investigator and security specialist for the Civil Service Commission.

Later, he entered the U.S. Navy and he became a personnel classification specialist and then moved to the State Department in 1952 as a personnel security evaluator.

Now, his ratings, while he has been in the service have been good, satisfactory, and excellent. I read the appraisals of his service by his superiors and those appraisals were very high.

From Secretary Dulles he received the Award for Meritorious Service, but his adventure really begins in 1960 when he undertook the evaluation of 858 cases in the State Department under the Security Director Scott McLeod.

Well, Scott McLeod was subsequently appointed as our Ambassador to Ireland and somehow the whole project was then dropped. When Secretary Dulles and Gordon Gray and others proposed a survey to examine and determine why the U.S. prestige abroad was so impaired, the results were marked "Secret."

Somebody leaked it to the campaign headquarters of the late President Kennedy, and they were also published in the Washington Post and the New York Times.

Otepka investigated, and the guilty person was separated from the service.

The public relations director for the Kennedy campaign, who received the report, was later made head of the Secretariat in the office of the Secretary of State.

In December of 1960, Otepka met with Secretary Dean Rusk and then Attorney-General designate, the late Robert Kennedy. They wished to discuss the criteria to be used for security purposes. Otepka insisted that the rules established by the Senate Foreign Relations Committee should be followed.

At the time, the State Department was considering the name of Walt Rostow for appointment. The Air Force had filed an adverse report on Rostow. Herbert Hoover, Jr., who was then Under Secretary of State, deemed Rostow unqualified. The comment of the Attorney General-designate was, "Those Air Force guys are a lot of jerks." That is the end of the report.

Rostow was assigned to the White House. There was an FBI check, and later, Rostow was transferred to the State Department.

At some point in time, one Charles Lyons was named Deputy Chief of Evaluations. Neither Otepka or his associate, Mr. Adams, liked it very much. For 2 years, Lyons served as security officer in the U.S. Embassy in Athens, Greece. In that time, there were 52 violations of security regulations on confidential material; there were 22 violations involving secret and top secret matters; and, 125 violations of the rule on "Official Use Only."

That was the Lyons record.

At one point came the case of William A. Wieland who was on duty in Cuba, and it was widely publicized in Wieland's files, the allegation that he had concealed information on Cuba and Castro. Otepka's superior gave Otepka an oral instruction to clear Wieland. Otepka replied that it must be in writing, and he refused to do it unless it was in writing.

When John A. Topping was named as Cuban Service officer, Otepka insisted that Topping be investigated. Otepka was removed from the investigation. Topping was subsequently cleared to the Council of American States.

The CHAIRMAN. Now, you spoke of Wieland. He was in charge of the Caribbean—Cuban desk, wasn't he?

Senator DIRKSEN. He was.

The CHAIRMAN. Isn't it true that information from all the security agencies reached that desk?

Senator DIRKSEN. That is right.

The CHAIRMAN. And that Castro was a Communist——

Senator DIRKSEN. That's right.

The CHAIRMAN. And it never got beyond that desk to his superiors?

Senator DIRKSEN. That is right, and that is the thing that Otepka insisted on investigating and evaluating, and very properly so.

Now, when he was named to the staff of the War College, with the suggestion that it was a very high honor, he rather naively and simply inquired about his return to the State Department. He received an evasive answer, so he declined the assignment, regardless of the honor that might have been involved.

Year after year, Mr. Chairman, this sort of thing went on. He was urged to give waivers on job applicants when he knew they should be investigated for security reasons, and he steadfastly stood his ground and refused, as he understood the law, the regulations and the intent of the Congress.

There was a veritable cavalcade of superiors over the years—a Mr. Bassin, a Mr. Reilly, a Mr. Belisle, a Mr. Traband, and others. Time and time again Otepka was promoted, he was demoted, he was shifted, he was transferred, he was pressured, he was snubbed, he was ignored and he was harassed, but he stood firm. He regarded his responsibility to investigate applicants for jobs in the State Department where there was an allegation of Communist taint, as a solemn duty, and he resisted all pressures to waive such investigations or to clear such persons on instructions from his superiors.

Of the 13 charges that were made against him, 10 were withdrawn, and of the other three, only one was actually emphasized. That related to his delivery outside the Department of two memorandums and a report relating to the security investigation of a certain person. Those were delivered up here.

Mr. Otepka justified his action under section 652(d) of the Code which provided as follows: "The right of persons employed in the Civil Service of the United States either individually or collectively to petition Congress or any Member thereof or to furnish information to either House of Congress, or to any committee or member thereof shall not be denied or interfered with."

That is in the statutory code.

So, Mr. Chairman, it is a fair question whether an Executive order of the President, or the clear terms of the statute shall prevail, but in any event, the Secretary of State accepted the findings of the hearing officer when they had a hearing on Otepka and then administered discipline. Ultimately, Otepka was given leave without pay and he remains in that status as of this day.

There have been hearings and appeals, and appeals and hearings, the last of which was the appeal from the Secretary of State's findings to the Appeals Section of the Civil Service Commission and that appeal was denied.

The action taken in the Otepka case is a sad commentary on the handling of security matters in the executive branch of Government and could easily induce the belief that there was no resolute effort to prevent persons with a Communist taint from finding positions in Government. But, Otto Otepka's devotion to duty and his dedication to his country was such that he was willing to endure harassment rather than yield.

But, Mr. Chairman, the harassment is not over. Since his name has been submitted to the Senate for appointment to the Subversive Activities Control Board, the New York Times has assigned a reporter named Neil Sheehan to investigate Otepka and to smear him, at least that is what I felt after I read Sheehan's article and knew what was going on and who he was contacting.

Sheehan has been calling a number of citizens in Illinois—all highly reputable—to ascertain what Otepka was doing at certain cocktail parties.

Now, parenthetically, Mr. Chairman, I ought to interpose here and say that one reason I am interested in this is that Otepka is from Illinois. His elderly father and mother still live in Chicago. He has a brother out there who has been very successful in business, and so Mr. Sheehan took it upon himself to call a number of people. He called one James Stewart, of Palatine, Ill., director of the American Defense Fund which raised some money for Otepka's defense, and sought to pin a John Birch Society tag on Mr. Stewart.

He questioned not only Mr. Stewart but also Otepka on the latter's presence at a New England "Rally for God, Family, and Country," and sought to put a John Birch brand on that rally. It was held in Boston, and it has been taking place annually. It will make little difference what kind of a smear may come out of Reporter Sheehan's typewriter, the simple fact was that the rally was addressed by such people as Clarence Manion, former dean of Notre Dame Law School, Lloyd Wright, past president of the American Bar Association, J. Fred Schafley, who is a very prominent lawyer in Alton, Ill., and I know him very well and I know his wife very well, who has been very active politically and otherwise, and by Clyde Watts, a retired brigadier general and prominent attorney in Oklahoma City, and there were others.

Well, the very idea of trying to put a Birch tag on a rally like that, because there were a thousand people there, and as for Otepka's presence at the rally, he and his wife, who happens to be a schoolteacher and who were taking a little vacation, went up to a little town called Hingham, Mass., and while up

there, became aware of the rally, and incidentally they stayed in Hingham the entire time of their vacation; and when they became aware of the rally, they went down to Boston as did the others. This is the New York Times' way of paying Otepka back for investigating the leak of the survey on our prestige abroad, which found its way to the public relations man in the political headquarters, and then into the New York Times.

So, looking into this thing in the large, and if Mr. Chairman, I recited this record, it would take hours and hours, and I am not going to weary the committee with that kind of recital, I just conclude by saying this—if there is any man in this entire land who has demonstrated his capacity and competence as an investigator and who manifested his loyalty and devotion to the United States, that man is Otto Otepka. He is ideally suited to serve on the Subversive Activities Control Board, and I urge his approval by the subcommittee, the full committee, and his confirmation by the Senate.

I think the President is to be commended for his appointment.

Now, with respect to the Subversive Activities Control Board, you will recall the long-running fight we had after the Supreme Court decisions that were virtually putting the Board out of business. I undertook to provide all the necessary amendments, with staff, and I think we amended the Internal Security Act in at least 19 different places in order to make it conform to the Supreme Court decision. But, they tried to put the Board out of business and then they tried through their appropriations committee to knock out all the appropriations for the Board, and then, of course, it was spread all over the country, they were paying the salaries of the Board when they had nothing to do.

It was not the Board's fault, it is the culpability of the Attorney General of the United States, because under the Security Act, it is up to him to send those cases over to the Board, and he did not do so.

Now then, there was testimony before the Senate Appropriations Committee that they had perhaps a thousand cases over there, and at long last, the former Attorney General, Ramsey Clark, came to my office and said, "I am advising you today that I am sending six cases to the Board."

Since the transition from one administration to another, the new Attorney General has advised me that he has also sent some cases to the Board and there are a lot of others.

I mention, Mr. Chairman, that that is the only agency in the executive branch of this Government that has the authority and that exercises the responsibility and the duty of pursuing things in the internal security domain, and instead of trying to weaken that Board, it ought to be strengthened and it ought to be given a longer lease on life, and it ought to be given perhaps some additional authority, but for the moment at least we will leave it stand.

Otto Otepka would be an execellent member on that Board, because of his long background in the evaluation and in the investigation of those things that fall in the internal security domain.

That is it.

The CHAIRMAN. I will say I think you put your finger on it, the devotion to duty is the cause of the trouble he had.

Senator DIRKSEN. Exactly.

The CHAIRMAN. Any questions?

Senator HRUSKA. Senator Dirksen, as a result of the hearings which were held, and they were protracted and extended over a long period of time, in the Internal Security Subcommittee, with reference to the security system and the reorganization of the Bureau of Consular Serivce——

Senator DIRKSEN. Consular Security.

Senator HRUSKA. Security, there were eventually charges filed against Otepka, and they were 13 in number, as I remember. And, there was a hearing, and the hearing officer of the Department heard the testimony and found against Otepka on all 13 charges.

At a later time, however, and before the case was appealed to higher authority within the Department, nine of those charges pertaining to the burn bag evidence and to some of the other things, disclosure of documents unfairly and illegally, charges four to 13 were dismissed and cut away from the entire procedure.

What significance do you attach to the fact that that was done and the case proceeded only on three charges?

Senator DIRKSEN. Simply because of the harassment that was involved and shall I say the suspicion that existed there in the Bureau? Who shall say whether that burn bag was not loaded by somebody else when the investigators came upon it, and that I thought was made reasonably clear in the course of those hearings that I attended.

Senator HRUSKA. Then, there was bugging and wiretapping of Otepka's phone that made quite a furor at the time, and there was sworn testimony by two witnesses who were in the State Department at the time they had no recollection or no knowledge of wiretapping or bugging of Otepka's phone on his premises.

They took a letter from Senator Dodd, of Connecticut, as I remember, or maybe a speech on the Floor—the letter I think was addressed to Secretary Rusk, saying that the committee had information of bugging and wiretapping and only then were the two witnesses' memories sort of refreshed a little bit and they appeared before the subcommittee and indicated they wanted to clarify their testimony. The clarification consisted of the statement, well, now, they did remember that wiretapping was affected, that it was attempted and in some instances consummated.

Now, my further recollection is that one of these witnesses is still with the State Department, notwithstanding that rather sordid failure to recall an event as significant as wiretapping Otepka's phone.

The other one was discharged or at least he resigned and after a few months in law practice he turned up as an employee of another agency, I believe the Federal Communications Commission.

Now, here we have charges against Otepka in which he was found guilty eventually by the Secretary of State of doing things which were illegal and yet we find that the two employees involved in this bugging and wiretapping incident were not only not disciplined, but apparently they were rewarded.

Would you have any comment as to the consistency of any such judgments or any disposition of those two cases?

Senator DIRKSEN. Well, as I recall, I think I was there at one of those hearings, or more, and I thought I handed one of these particular people a screwdriver and I asked—now, show us how to bug a telephone, but he was very reluctant and didn't want to do it, and of course I could not make him do it.

Senator HRUSKA. The hearings were long. I think your statement is a very restrained version and a summary and reference to them, but I do recall this big issue came up, that apparently one of the issues was whether Otepka's loyalty should be on a parity like this, State Department first, the country and the Congress somewhere down below first priority, and that is clearly not the listing in the Code of Ethics that the State Department has promulgated, nor is it in keeping with that section 652 that you read from.

Do you agree that there is a little bit of disproportion in expecting a man to really compound fabricated testimony out of loyalty to the Department as compared to an idea of clearing up what would be even fabrications and maybe even falsehoods before the committee of the Senate which is charged by law to have oversight over all of these things?

Senator DIRKSEN. That provision in the Code is so explicit and so clear, and when duty comes in conflict with an Executive order and there is a statutory provision, it would occur to me, because of his devotion to the country, that he was quite in the right in submitting what he had there in the interest of our security.

Mr. Chairman, in connection with his testimony I think there ought to be submitted for the record a brief that Mr. Otepka's attorney filed because it is fully documented and it starts at the beginning and goes right up to the end.

Secondly, I think that Mr. Sheehan's reports in the New York Times ought to be carried in the record and third, I think the editorial which was written in pursuance of the Sheehan stories should also be in the record. I would like to see the whole business there, because that is the only way you can point out how easily it can be refuted and whether or not that isn't a punitive attitude on the part of the New York Times.

The CHAIRMAN. It will be admitted.

(The documents referred to will be found in the appendix.)

Senator HRUSKA. Mr. Chairman, I wonder if the purpose of the record, so that it would be available for general inspection of any Member of the Senate who wants to get into it, or anybody else, would it not be well to attach also and include in the record the report of the hearing officer as originally made, I believe that was Edward A. Dragon, it looks like, and his signature, and that was in December 1967; and then there was a decision on appeal to the Civil Service Commission and a decision on that, and finally the decision on appeal that was signed by Secretary Rusk on this subject.

The CHAIRMAN. It will be admitted.

(The documents referred to will be found in the appendix.)

Senator HRUSKA. I have no further questions at this time, Mr. Chairman.

Senator DIRKSEN. Mr. Chairman, Mr. Otepka may speak for himself, and I simply marvel at his "stick-to-it-tiveness" as they used to say, and his willingness to go through all of these things. He has endured all this for a 5-year period, and I suppose some adverse comment might be made with respect to the James Stewart of Palatine, Ill., to raise a defense fund for him. I don't know how Mr. Otepka would have gotten along if it had not been for that, because it certainly could not have been done out of his wife's salary, which was probably the only income he had.

So, I will salute him for his devotion to the country and to the cause of internal security.

I thank the subcommittee.

The CHAIRMAN. Is there anyone present who desires to testify against this nominee?

(No response.)

The CHAIRMAN. Mr. Otepka will you identify yourself for the record?

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Dakota (Mr. BURDICK), the Senator from Maryland (Mr. TYDINGS), and the Senator from Michigan (Mr. HART), with respect to certain matters in the nomination and with respect to Otto Otepka, which was contained in a letter to the chairman of the full committee, dated May 5, 1969.

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

U.S. SENATE,
Washington, D.C., May 5, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the discussions at the Committee meeting last week, we believe that before the Committee takes up the nomination of Otto Otepka to the Subversive Activities Control

Board, there should be included in the printed record information relating to the recent questions raised about Mr. Otepka's finances and connections. In particular we suggest that the staff obtain from Mr. Otepka, and from independent inquiry if necessary, the facts on the following subjects:

1. Mr. Otepka's source of income, other than his State Department salary, since 1961.

2. The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.

3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.

4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations: "I am not going to discuss the ideological orientation of any one I am associated with; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.

5. Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.

6. The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's pre-nomination procedures regarding Mr. Otepka.

We are confident that all the members of the Committee join us in feeling that fairness to the nominee and to the public requires that these matters, which have been raised publicly, be aired and resolved within the Committee before it passes on the nomination. We are hopeful also that Mr. Otepka will feel free to take this opportunity to make any further comments he wishes regarding the office to which he has been nominated and his suitability for it.

Sincerely,

EDWARD M. KENNEDY.
QUENTIN BURDICK.
JOSEPH D. TYDINGS.
PHILIP A. HART.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD a memorandum that was prepared with respect to the various questions that were raised.

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

MEMORANDUM

MAY 9, 1969.

To: Senator Eastland.
From: J. G. Sourwine.
Subject: Inquiries of Senators Hart, Kennedy, Burdick, and Tydings respecting finances and connections of Otto Otepka.

In compliance with your instructions the staff has obtained from Mr. Otepka, and from independent inquiry as necessary, the facts called for by the questions propounded.

The questions are repeated below, *seriatim*, and the facts obtained by the staff with respect to the subject matter of each question are set forth, immediately thereafter.

1. *Mr. Otepka's source of income, other than his State Department salary, since 1961.*

Since 1961, Mr. Otepka has had income, other than his State Department salary, only from the following sources: (A) interest on savings accounts and stock dividends; (B) wife's salary as a school teacher (from 1965 only); (C) daughter's salary (during 1968 only); (D) director's fees (family corporation); (E) sum received by wife in 1966 by gift and devise from her aunt.

2. *The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.*

LEGAL EXPENSE

Total legal expense incurred in connection with Mr. Otepka's case has amounted to $26,135, of which $25,127 represented legal fees and $1,008 represented reimbursement of cash disbursement by counsel. These legal expenses have been met by voluntary contributions from more than three thousand different contributors. Most of the contributions were in relatively small amounts, ranging from $1.00 to $100.00. Over $21,000 of this amount was raised by American Defense Fund, organized in 1964 by James Stewart of Wood Dale, Illinois (now living in Palatine, Illinois) in compliance with the laws of the State of Illinois.

Mr. Stewart volunteered his assistance, after having read in the newspapers of Mr. Otepka's intention to pursue fully all of his administrative remedies, and to take his case into the courts, if necessary. Mr. Stewart appears to have made a full accounting for the purpose of complying with State law, and also has filed an accounting with the U.S. Post Office Department.

American Defense Fund has no connection of any kind with the John Birch Society, the Liberty Lobby, or Willis Carto, according to Mr. Stewart, who stated his interest in the Otepka case was sparked by a newspaper article in September 1963, and that in the fall of 1964 he undertook to raise money for Otepka's defense after he learned that contributions from other sources were not meeting the growing legal expenses of the case. Mr. Stewart said he acted as an individual and without any assistance or prompting from any organization.

All contributions forwarded by Mr. Stewart went directly to Mr. Otepka's counsel, Mr. Roger Robb.

The remainder of the legal expense in connection with Otepka's case (between $4,000 and $5,000) was paid by voluntary contributions from individuals not associated with American Defense Fund. (Many of these contributions were made in checks mailed directly to Mr. Otepka's counsel, and checks received by Mr. Otepka personnally were turned over by him to his attorney. Mr. Otepka did not cash any such checks, nor receive or retain the proceeds therefrom.) Of these independent contributions, only one was in a very large amount, to wit: a check for $2,500 received by Otepka's counsel on April 21st, 1964, from Defenders of American Liberties, a non-profit corporation organized under the laws of the State of Illinois for the purpose of defending civil and human rights. All other independent contributions were in very much smaller amounts.

In an effort to determine the nature of the organization known as Defenders of American Liberties, the Subcommittee staff questioned both Dr. Robert Morris, first president of the organization (who resigned in 1962 to become president of the University of Dallas, and who is now president of the University of Plano) and Mr. J. Fred Schlafly of Alton, Illinois, who succeeded Dr. Morris. Both Dr. Morris and Mr. Schlafly denied any personal connection, formal or informal, with the John Birch Society, the Liberty Lobby, or Mr. Willis Carto. One of fourteen persons identified as directors of Defenders is Dr. Clarence Manion, former Dean of Law at the University of Notre Dame, who is reported to have stated he is a member of the John Birch Society. Other directors of Defenders of American Liberties, besides Mr. Schlafly, are Mr. Roger Follansbee (Chairman of the Board) of Evanston, Illinois; Dr. Edna Fluegel, chairman of the Department of Philosophy at Trinity College, Washington, D.C.; Mr. Lyle Munson, publisher, of Linden, N.J.; Mr. Bartlett Richards, of Florida; General William Wilbur of Highland Park, Illinois; Mrs. Carl Zeiss of Phoenix, Arizona; Mr. Don Tobin, realtor, of Dallas, Texas; Mr. Charles Keating, Jr., of Cincinnati, Ohio; Mr. Norris Nelson of Chicago, Illinois, former publisher of the Calumet (Illinois) News and former assistant director of the Republican National Committee; and Mr. Brent Zeppa of Tyler, Texas. None of these, according to Dr. Morris and Mr. Schlafly, is known to either of them as a member of or connected with the John Birch Society or the Liberty Lobby.

TRAVELING EXPENSES

Since 1961, Mr. Otepka has made three round trips, by air, to the West Coast, including visits to San Diego and Los Angeles, California, Portland, Oregon, and Seattle, Washington, which trips were not paid for by Mr. Otepka out of his own private funds. Two of these trips were paid for by a number of individual citizens who had no formal group or organization but who had become interested in Mr. Otepka's case as a result of newspaper publicity, and wanted to hear him discuss it. Mr. Otepka talked to these individuals at informal gatherings only, and confined himself to discussion of his own case, avoiding politics or on other matters. At no time did Mr. Otepka accept an honorarium of fee for any speech or talk. The third trip referred to above was sponsored by a formal group, which desired to give Mr. Otepka an award. Because his appearance on this occasion was to be publicly advertised, Mr. Otepka sought and obtained the State Department's approval of this trip before undertaking it.

Total amounts of income (exclusive of his own salary) available to Mr. Otepka and his family during the period in question, which became available for financing his expenses, as indicated above, were as follows:

A. Interest on savings accounts and dividends on stock owned, $1,711.00.

B. Director's fees (Web Press Engineering, Inc., Addison, Illinois, a family corporation), $100.00. (This corporation does not have any government contracts whatsoever, and Mr. Otepka does not own any stock in the corporation.)

C. Mrs. Otepka's gross earnings, before taxes, as a teacher employed by the Montgomery County (Md.) Board of Education: 1965, $3,260.00; 1966, $8,432.00; 1967, $9,217.00; 1968, $10,558.00. (Since 1968, when Mr. Otepka first went on leave without pay, his family has had to depend solely upon his wife's salary, and the earnings of his daughter (referred to below) to meet family living expenses.)

D. Mr. Otepka's daughter was first employed during 1968, and in that year earned $765.00 from the Washington Post Company (WTOP–TV) and $1,189.00 from the D. L. Printing Company, Washington, D.C.

E. By gift and bequest to Mrs. Otepka from her aunt, Mildred Simon (1966), $3,400.00.

For ready reference, information on total amounts of income available to the Otepka family during each of the years 1961 to 1968, inclusive, is shown on the chart below.

	1961	1962	1963	1964	1965	1966	1967	1968
Interest from savings	101.75	80.00	80	312	23	233.00	309	254
Stock dividends	26.88	35.46	42	59	11	24.84	47	72
Director's fees, Web Press Engineering								100
Wife's gross income (salary)					3,260	8,432.00	9,217	10,558
Daughter's gross income (salary)								1,954
Gift and bequest to wife from aunt						3,400.00		
Total	128.63	115.46	122	371	3,294	12,089.84	9,573	12,938

3. *Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.*

Mr. Otepka states he does not have and has not had any formal or informal connections with the John Birch Society, or the Liberty Lobby, or Mr. Willis Carto, or with any other persons or organizations known to him to be actively associated with any of the above three. Mr. Otepka has met Mr. Carto, having seen him two or three times, including one occasion on which he lunched with Mr. Carto at the latter's invitation. Nothing was discussed at this luncheon except the legal aspects of Mr. Otepka's case.

4. *The accuracy of a report that Mr. Otepka stated in response to questions about his associations, "I am not going to discuss the ideological orientation of anyone I am associated with"; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.*

Mr. Otepka states: "This is substantially the tenor of an answer which I gave on two separate occasions to two newspapermen, Mr. Neil Sheehan of the New York Times and Mr. Tim Wheeler of the Daily World, both of whom were, in my judgment, seeking to bait me into making some statement that could be used against me. I would consider such an answer entirely within the bounds of propriety if made by any person under similar questioning by such reporters in like circumstances. On the other hand, in the case of a question regarding either my associations or my associates, asked of me by a representative or official of the U.S. Government having reason and authority to inquire, I should be as fully responsive as my knowledge would permit; and I would expect any other person similarly questioned by authority and with reason to be comparably responsive."

5. *Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.*

"From my general knowledge of history and my 27 years of experience as a security officer, I am acutely aware of the potential dangers to the security of any country from acquisition of excessive influence by totalitarian organizations or individuals of either the right or the left. I would resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

6. *The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's prenomination procedures regarding Mr. Otepka.*

The staff has been advised by a spokesman for the Executive Branch that Mr. Otepka's nomination followed the usual course, including an investigation by the Federal Bureau of Investigation and a security clearance under the standards of Executive Order 10450.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD a synopsis which has been prepared by the Department of Justice, and the Federal Bureau of Investigation, which is actually a synopsis of testimony by J. Edgar Hoover on May 18, 1968. I request to have printed only that testimony which begins in the middle of page 6 and goes to the end of page 12 because I think it is pertinent to this matter since Mr. Otepka is being nominated for the Subversive Activities Control Board.

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

COMMNNIST PARTY—U.S.A.

In spite of their factional differences, a "communized America," said Mr. Hoover, is the "common objective" of pro-Moscow, pro-Chinese and Trotskyite wings of the communist movement. While the Communist Party, USA, has been more open in its activities since its National Convention in 1966, "its objectives have remained the same—to destroy faith in the American system, to shake confidence in its leadership, and to subvert the ideals of its younger generation," testified the FBI Director.

"Winding as a thread through the whole fabric of the Party's program is its unswerving opposition to the war in Vietnam," said Mr. Hoover. This position was never more clearly stated than during a speech by Party leader Gus Hall at the 50th Anniversary of the Great October Revolution held last November in Moscow. According to Mr. Hoover, Hall declared that the "Communist Party, USA, will continue to regard the struggle against United States imperialism as its primary task until every last United States warship, tank, plane, soldier, and corporation have been removed from foreign soil."

The communists, Mr. Hoover told the Subcommittee, advocate the linking of civil rights and antiwar protests into ". . . one massive movement which they hope will ultimately change our Government's policies, both foreign and domestic."

In its continued effort to influence the younger generation, leading communist representatives made 54 speaking appearances on college campuses during the 1966–1967 academic year. With its desire to capitalize on the radicalism of the youthful New Left movement, the Party also hopes, through this speaking campaign, to gain recognition as a legitimate political party on the American scene.

With a self-estimated membership of 13,000 and the assistance of a reported 100,000 sympathizers, the Party plans to broaden its sphere of influence, said Mr. Hoover, through re-establishing its daily newspaper. This desire has approached realization by the inheritance of half of a Brooklyn builder's $2,600,000 estate by three trusted Party members.

DEMONSTRATIONS

Among the 700 individuals who registered for the Washington, D.C., conference of the National Mobilization Committee to End the War in Vietnam were more than 300 members of the Communist Party, its youth affiliate, the W. E. B. DuBoise Clubs of America, and other subversive organizations. This conference with others led to the massive demonstration at the Pentagon in October, 1967, where armed Federal troops were required to turn back the demonstrators whose primary purpose was to "shut down" that establishment.

Commenting on the New Left movement, which he termed as "anarchistic," Mr. Hoover testified that its primary spokesmen have "hand in hand" with the DuBois Clubs and the Students for a Democratic Society ". . . encouraged youth to resist the draft and subject the Selective Service System to harassment and agitation." Mr. Hoover emphasized that the Students for a Democratic Society is "infiltrated by Communist Party members and Party leader Gus Hall has described the organization as part of the 'responsible left' which the Party has 'going for us.' "

CIVIL RIGHTS INVESTIGATIONS

An all-time high of 5,366 civil rights cases were handled by the FBI during fiscal year 1967, said the FBI Director, and this represented an increase of 157 percent in the five-year period since 1962. These individual civil rights cases were in addition to more than 5,000 cases handled by the FBI dealing with alleged discrimination in places of public accommodation, public facility, public education and employment since enactment of the Civil Rights Act of 1964.

As an example of the priority attention the FBI gives to its civil rights investigations, Mr. Hoover cited the 1964 case of three civil rights workers who were murdered near Philadelphia, Mississippi. The FBI Director disclosed that this successful investigation cost an estmated $815,000 and, at its height, required the assignment of 258 Special Agents. "During the summer of 1967," testified Mr. Hoover, assignment of FBI Special Agents to civil rights cases "at times ranged upward to nearly 1,500" men.

ORGANIZED CRIME

During the 1967 fiscal year, FBI-investigated cases resulted in a total of 197 convictions of organized crime and gambling figures. This far outstripped any prior fiscal period, said Mr. Hoover, who noted that new record accomplishments in this field were in the offing due to "more than 600 hoodlum, gambling and vice figures awaiting trial in Federal court for violations falling within the Bureau's jurisdiction."

Based on organized crime information disseminated by the FBI to local, state and other Federal agencies—which totalled more than 287,000 items during fiscal year 1967—these other agencies arrested 3,748 vice figures, mainly on charges of gambling, prostitution, and illicit alcohol; seized more than $997,000 in currency and gambling paraphernalia; and broke up dozens of professional gambling operations handling literally millions of dollars a year in wagers. Cooperation of this type has led to the conviction of many gangland leaders cited by Mr. Hoover, who testified that the FBI has made important strides in penetrating the organized crime conspiracy.

SOVIET MENACE

Director Hoover deplored a growing public apathy ". . . toward communism, its danger to this country and also toward the activities of the Soviet Government." He noted that certain elements belittle United States responsibilities to the free world and incorrectly view those who speak out against communism as "alarmists."

Mr. DIRKSEN. Mr. President, finally, I wish to read portions of a letter. This could be the entire letter, but it is a letter addressed to a distinguished Member of this body, the Senator from Massachusetts (Mr. KENNEDY) by Mrs. Otepka.

Now, Mr. President, you know there are three heroes in this drama. The first one is Otto Otepka, who continued this vigilence for 5 long years, because he thought he was right and he did not permit his convictions to relent for one moment. He continued his struggle, and some 3,000 friends put up nickels, dimes, quarters, dollars, anything they could get, for the defense fund, and at last partially to sustain the Otepkas.

When the minority report against this nomination appeared, Mrs. Otepka wrote to the distinguished Senator from Massachusetts, and here is part of her letter. She stated:

As a working wife, I cannot personally remain silent regarding the implications of your question that you be provided with "the precise sources and amounts of the financing for Mr. Otepka's living expenses since 1961."

I want the people of this country to know that the economic reprisals taken against my husband for telling the truth to a congressional committee necessitated the following measures in order to save money for our use in the long battle to obtain justice:

1. I cut my husband's hair every two weeks.
2. I made all my clothes and my daughter's.
3. I washed and ironed my husband's shirts.
4. I dry cleaned all the family clothing.
5. I canned tomatoes and other vegetables from our home garden.
6. My husband cleaned and froze his catches of fish and crabs for frequent summer meals.
7. We seldom ate family meals in restaurants.
8. My husband bought ready-made, inexpensive but serviceable suits of clothing.
9. I went to work in order to supplement our income.

Mrs. Otepka began teaching school in 1965 in order to carry on this vigil with her husband. She is the heroine in this drama which has lasted for 5 years.

Speaking for myself, as a member of the Internal Security Subcommittee, I was determined, not only because of Drew Pearson, but also many others that I could name, that we would fight this thing through to a finish.

The finish comes today.

Mr. Otepka should have a unanimous vote of the Senate for the task that he carried on, because he has been a tremendous public servant, with a deep conviction for truth and a deep devotion to his country.

Thus, Mr. President, I am prepared to let the case rest right there. That is all I have to say.

Mr. KENNEDY. Mr. President, the Subversive Activities Control Board is an independent Federal agency which is supposed to decide whether organizations are subversive, and whether individuals are members of subversive organizations. The Board received its assignments in 1950 and 1954, with Congress overriding President Truman's veto of the 1950 legislation. Somehow, nearly 20 years later, it seems less obvious to us why five men should be paid $36,000 a year just to give us their opinions on which groups and individuals are "subversive." And in recent years the Board in fact has atrophied as its irrelevance has become apparent, and as its functioning has been constrained by Court decisions. Nevertheless, the legislation remains on the books, the Board continues to exist, and there still stands a vestige of responsibility.

We are faced here today with two basic questions:

First, does it make any sense at all to confirm a fifth member to an agency which has not had enough work even to keep one member busy? The answer to that question is easy. In a time of budgetary restraint, personnel freezes, and high defense costs, we set a bad example by allowing a job to be filled just for the sake of filling it.

Second, do Mr. Otepka's background and record indicate that he will be able to perform properly the duties of a member of the SACB? As I have indicated, these duties are not very onerous. The demands on the members' time and energy are minimal. Nevertheless, to the extent that the Board may at times be called upon to decide cases, its duties are sensitive and subtle ones, indeed. The Board acts only on the petition of the Attorney General, so that it cannot run away on its own. Yet, since it is intended as a protection against the over-enthusiasm of that official, it must undertake an independent and open-minded review of his determinations. If it is not prepared to be even more demanding than the Attorney General in its standards of proof, its insistence on fair procedure, and its recognition of the constitutional liberties of speech and association, then truly it serves no function whatsoever. Since this is the essence of its role—interposing a barrier of both substance and procedure against the possibility of excesses by the executive branch—the members of the Board should be people who have demonstrated a dedication to due process, a commitment to civil liberties, and a faith in the ability of our society to tolerate the broadest departures from orthodoxy.

I regret I cannot conclude that the nominee before us meets these qualifications. The fact is that he was the subject of disciplinary action by his superiors in the course of his former employment. Their action was sustained by the Civil Service Commission and by his subsequent superiors of the opposite political party—including, I might say, the distinguished Secretary of State Mr. Rogers, who was a former Attorney General of the United States. They are the ones who are fully familiar with his performance, and they determined that he was not suitable for the job he held, a job not unrelated to the duties of the Board. We thus have what we lawyers call an "a fortiori" situation. If this nominee was found incapable of holding a minor security post within an executive agency, how can he be qualified to hold a higher position with a security organization whose potential jurisdiction runs everywhere? We would have to have some showing of new facts evidencing a change in the man, or in the circumstances of his demotion, to justify giving him a higher post. None has been presented. In this context, there is the highest burden of proof on the supporters of the nomination to demonstrate the nominee's judgment, sensitivity, and discretion, but the additional facts about the nominee which have become available have hardly contributed to that demonstration.

I am hopeful that the Senate will exercise all due care in considering this appointment. Surely, this is not the case of a Cabinet or sub-Cabinet official who is part of the President's team and whose appointment is thus presumptively within the broadest possible discretion of the President. Instead, we are free to vote our consciences on the present nomination without any presumptions.

Mr. President, because the SACB does not need a fifth member, and because the present nominee has not demonstrated the qualifications which a member of that agency should have, I believe that we should not consent to this appointment.

Mr. MILLER. Mr. President, I hope that the motion to recommit this nomination is defeated.

It is understandable why some well-intentioned people may have been misled by some of the statements made about this nomination. All of us have read and heard suggestions that, because certain individuals supported Mr. Otepka during his long ordeal with the State Department, therefore, Mr. Otepka is branded with their particular philosophy. Those who seek to persuade their readers or listeners with such guilt-by-association logic do a disservice not only to Mr. Otepka but also to the people of our country.

A vote against this motion and a vote to confirm Mr. Otepka will put the Senate clearly on record that it will take more than the guilt-by-association technique to block the appointment by the President of one whose loyalty to our country and opposition to its enemies are beyond question.

Mr. NELSON. Mr. President, I shall vote for recommital and against confirmation of Mr. Otepka. After searching the statutes and looking at the work of the Board, I cannot find that it has a function to perform that could not better be performed by existing agencies and that, therefore, the Board itself should be allowed to pass quietly into oblivion.

Mr. President, for 20 months, from April 1966 until January 1968, the Subversive Activities Control Board did not have a single hearing. It is a Board with five members at salaries of $36,000 per year for each member, a general counsel at $26,000, an assistant general counsel at $20,200 and office expenses of $94,000 for a total 1969 budget of $344,000.

During the 18 months since January 1968, the Board has held six hearings. During the approximately 1,050 working days in the past 3 years and 2 months, the Board has held 14 days of hearings and 6 days of executive sessions on these hearings.

If the Board conducts hearings at the same pace in the future as in the past, the cost per case heard will be about $100,000. Or put another way, the Board will do about 1 good day of work for every 50 working days, which I submit is a pretty leisurely pace even for an institution as jaded as the Federal bureaucracy.

The fact is the Board does not have any function that cannot be better performed by the Attorney General, the FBI, and the appropriate committees of the Congress.

The Board has no power to investigate or initiate any action on its own.

The responsibility of investigating and gathering evidence on subversive activities of individuals and organizations is in the Congress, the FBI, and the Attorney General.

It seems rather ironic to continue spending $344,000 per year on this Board when most of its functions have been terminated by Court decisions and the rest could better be handled by other executive agencies.

The Board ought to be abolished; therefore, I shall vote against confirmation.

Mr. PASTORE. Mr. President, my position on this particular appointment is philosophic, and not personal. I quite agree with those who have said that the usefulness of this Board is past; that it should be abolished; that we are spending a lot of money for work that could

be performed by the Justice Department or FBI. For that reason, I shall vote to recommit. If that vote fails to carry, however, I cannot carry my vote against the individual and, therefore, I shall vote to confirm the nomination.

Mr. DIRKSEN. Mr. President, it would be a little refreshing on the Senate floor if, instead of telling the partial facts, the whole facts are related to the Senate for its guidance.

The distinguished Senator from Wisconsin just reflected on the Subversive Activities Control Board for 20 months of inactivity. But what is the rest of the story? Well, the rest of the story is that they were under an inhibition by a decision of the appellate court in Washington and, likewise, the Supreme Court, and they could not move a muscle. Meanwhile, the Senator's colleague from Wisconsin was trying to get the Board abolished by appearing before the Appropriations Committee to take away the funds of the Board.

I undertook to meet that Supreme Court decision, and, with staff, we had to labor to put that Internal Security Act in order to comply with the decision of the court, and it was not an easy job. But when we got it done, and the Senate put the seal of approval upon it, and likewise the House, I then went to Ramsey Clark, the Attorney General, and said, 'Under the law, you start sending cases to that Board, or you will not have heard the last of it," and I was after Ramsey Clark to do it. Finally, he sent some cases to the Board, and for the first time they could go to work.

So there were 15 months of inactivity, laboring under the difficulty of the Warrent court—if you have got to know the truth. That is wnere the decision came down. We have been around here for only 5 months. We have had an Attorney General for only 5 months, or a little less. That Board, just last week, was in California and it has conducted some very successful hearings.

Why do they not tell the Senate the whole story? It is just about time that we quit sharing with the Senate a few crumbs of fact so that they can mislead themselves.

The motion to recommit the nomination ought to be overwhelmingly voted down, in justice to Otto Otepka, because of the size of the vote by which his nomination was reported by the Judiciary Committee of the Senate.

Mr. President, we can now vote.

Mr. EASTLAND. Mr. President, the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board has been on the Senate Calendar for several weeks.

This nomination was approved by the Committee on the Judiciary by a vote of 12 to 3. There is a printed report, with individual and minority views.

In discussing this nomination, it would serve no useful purpose for me to repeat what has already been said in the committee report; except that I do want to affirm my own adherence to that report, and my own very strong feeling that Mr. Otepka is highly qualified, by temperment, education, and experience, to fill the position for which he has been nominated.

For the benefit of any who may not have given the matter particular attention before now, it might be well to put a summary of the Otepka case into the RECORD.

The story of the Otepka case has been summarized many times. One of the best jobs was done by Charles Stevenson and William J. Gill, whose article appeared in the August 1965 issue of the Reader's Digest.

Mr. President, I ask that the full text of this article may be inserted in the RECORD at this point as a part of my remarks.

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

THE ORDEAL OF OTTO OTEPKA

(By Charles Stevenson, with William J. Gill)

Why have State Department employes been using the tactics of a police state to oust a dedicated security officer whose only sin seems to be loyalty to his country?

A few minutes before noon on Friday, June 27, 1963, Otto F. Otepka, chief of the U.S. State Department's security-evaluations division, was summoned to the office of his immediate superior, John F. Reilly, Deputy Assistant Secretary of State for Security. Reilly tossed him a one-page memorandum. "Effective immediately," the memo said, "you are detailed to a special project updating the Office of Security Handbook. You will remove forthwith to Room 38A05."

Within a half-hour of this ouster, Otepka's office safes and file cabinets, which contained extensive security information on State Department personnel, were seized. The same thing was happening to two veterans security officers who worked under Otepka.

These police-state tactics were used not against men suspected of subversion. They were used against men who had been trying to *fight* subversion—the professional "security men" whose job it is to try to keep the government service free of communists and persons who might fall under their influence.

The story of Otto Otepka, a tall, quiet, darkly handsome man of 50, is still without an ending, and on its outcome hang two vitally important issues. One is whether we shall, without hysterics and false accusations, fight attempts to subvert our government. The other is whether Congress—the elected representatives of the people—shall preserve our right to oversee the behavior of the officials in the executive branch.

Many kinds of subversion are practiced today by the communists. One of the most difficult to detect is "policy sabotage," a device by which seemingly innocent decisions cover up disruption and delay of crucial activities. A classic example occurred in the aftermath of World War II: Harry Dexter White, Assistant Secretary of the Treasury; withheld vitally needed shipments of gold ordered by Congress to bolster Chiang Kai-shek's currency, thus contributing to the collapse of the currency. The Nationalist armies were left unpaid and starving, an easy prey to Mao Tse-tung' communists.

This type of sabotage is doubly dangerous because it creates suspicion and confusion. Many who supported the wild charges of the late Sen. Joseph McCarthy in the early 1950's, for instance, failed to distinguish between policy sabotage and errors of judgment, and they besmirched the reputation of innocent people. Otto Otepka was never such a zealot. His very background made him respect the underdog. The son of an immigrant Czech blacksmith, he had come to Washington in 1936 as a government messenger. In 1942, after earning a law degree at night at Columbus University (now the law school of Catholic University), he became an investigator for the Civil Service Commission. Following Navy service in World War II, he returned to the commission, became an expert on communist subversion and supervised a large staff analyzing cases under the Federal Employes Loyalty Program.

It was, in part, his sense of perspective that led one veteran security officer to call him "the best evaluator in government." Secretary of State John Foster Dulles, on June 15, 1953, brought him into the State Department to carry out President Eisenhower's Executive Order 10450, designed to set security standards for all federal agencies.

By 1957 Otepka was deputy director of the Office of Security—the Department's highest civil-service security job—and working head of State's global personnel-security organization. In 1958 the State Department awarded him its Meritorious Service Award. The citation, signed by Secretary of State Dulles, declared that Otepka "has shown himself consistently capable of sound judgment, creative work and the acceptance of unusual responsibility." His 1960 departmental efficiency report noted that to his knowledge of communism and its subversive efforts in the United States "he adds perspective, balance and good judgment."

Yet, as he was receiving these plaudits from his superiors, Otepka was incurring the emnity of an influential clique in the Department who chafed at security procedures. Soon after the Kennedy administration took over in 1961, these persons began to act. Otepka found his recommendations were being ignored or overruled.

Then there occurred the strange case of William Wieland, a controversial foreign-service officer who had been Caribbean desk officer during the early days of Fidel Castro. The Senate Internal Security Subcommittee, investigating Wieland's role in U.S. support of the Cuban revolution, declared that he could not "escape a share of the responsibility" for Castro's takeover. Among other things, the subcommittee uncovered evidence that Wieland had withheld crucial intelligence reports warning of Castro's communist ties.

Conducting an investigation under specific Department orders, Otepka in 1961 reported he found no proof Wieland was a communist, but he amassed evidence that he was responsible for "policy impedance" and had "lied" both to the Senate subcommittee and to State's own investigators. Otepka recommended that higher authorities consider dismissing him as unsuitable.

For an answer, on September 18, 1961, William Boswell, an old-line foreign-service officer and at the time Otepka's immediate superior, ordered Otepka to clear Wieland immediately without the required written findings from the Deputy Under Secretary for Administration. Otepka refused.

The Department made its first formal move to get rid of Otepka less than six weeks later. On November 1, 1961, Boswell called Otepka into his office and announced that 25 Security Office jobs were being eliminated. Otepka was being demoted to chief of a 32-man evaluation staff.

Many men would have quit in disgust. Otepka stayed on, even though his old job, supposedly abolished for economy reasons, was later restored with someone else filling it.

Then John F. Reilly arrived as the new director of the Office of Security. Now Otepka's recommendations and memorandums were bounced back with critical notations. And weird things began to happen. At 10:30 p.m. on March 24 Otepka returned to his office after an evening of bowling and startled two of Reilly's aides there. Later, an electronics technician told him, "Your phone is bugged." Another reported that there were concealed listening devices planted in his office. One weekend his office safe was drilled open. And a mystery man with binoculars sat outside Otepka's home night after night.

By early 1963 the situation epitomized by the harassment of Otepka had become so critical that the State Department's entire personnel security apparatus was on the verge of collapse. The Atomic Energy Commission, in granting access to atomic secrets, refused to accept State Department investigations, and the Civil Service Commission reported to the National Security Council deficiencies and shortcomings in State's security operations.

At this point, the Senate Internal Security Subcommittee resumed its hearings. During February and March 1963 it asked Otepka whether the Department was clearing possible security risks despite warnings from the Evaluation Division. Otepka declared it was. Reilly denied this. As the hearings progressed, more and more discrepancies developed between Otepka's testimony and Reilly's rejoinders. The contradictions were so serious that on May 23 subcommittee counsel J. G. Sourwine called Otepka to his Capitol Hill office. "One of you is lying under oath," he said. "If you have evidence to prove you're right, you'd better produce it."

That night Otepka paced his basement study at home. "The Code of Ethics for Government Employees," adopted by Congress in 1958, requires all civil servants to put loyalty to country above loyalty to government departments. Federal statutes specifically guarantee their right "to furnish information to Congress shall not be interfered with."

Shortly thereafter Otepka sent the subcommittee 25 unclassified, two "confidential," six "official use only," and three "limited official use" documents and memos. Point by point these papers upheld the truth of Otepka's testimony.

Four weeks later, on June 27, Otepka was given the meaningless assignment of updating the Security Office Handbook.

On August 14, 1963, Otepka suffered the next step in his degradation—he was accused by his superiors at State of violating the World War Espionage Act. He was charged with spying *for the U.S. Senate* by turning over "confidential" documents (the papers which cleared him of perjury). After three days of questioning, the FBI threw out the case against him.

Then, on September 23, 1963, the State Department fired Otepka for actions "unbecoming an officer of the Department of State" (specifically, supplying legitimate information to U.S. Senators). Otepka appealed the case, under State Department regulations. Sen. Thomas Dodd, vice chairman of the Internal Security Subcommittee, protested to Secretary of State Rusk, but Rusk reconfirmed the proposed dismissal. Dodd then stormed onto the Senate floor on November 5, castigating the Department for "chasing the policeman instead of the culprit," and he exploded a bombshell: "Although a State Department official has denied under oath a tap on Otepka's telephone, the subcommittee has proof that the tap was installed"—a clear violation of State's own regulations.

That night the Department's top legal advisers called in Reilly and Elmer D. Hill, an electronics technician, and had them sign letters asking the subcommittee for the right to "clarify" and "amplify" their earlier sworn testimony that they had not tapped Otepka's telephone. Reilly's story now changed to:

"On March 18 I asked Mr. Elmer D. Hill to undertake a survey of the feasibility of intercepting conversations in Mr. Otepka's office. I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time." But days later Hill confessed to the subcommittee that he had tapped "a dozen, perhaps more" of Otepka's telephone conversations under Reilly's orders.

Even after that, despite a written protest approved by the entire Senate Judiciary Committee, Secretary Rusk declared that prosecution of the Otepka case would be "vigorously pursued." Security Office division chiefs were officially notified that all who "are disloyal" to the Secretary will be "identified and ousted. We have lost face, and it's up to us to regain it."

Since then the State Department has allowed little to leak out. Otepka, waiting for the chance to fight for reinstatement, still goes to the State Department every Monday through Friday. In accordance with Civil Service rules, he still draws his $19,310 annual salary, but he is not given any useful tasks. He is, in effect, in exile within the Department, and many of his associates are afraid even to say hello to him.

Seldom has an issue reached so deep into the roots of our governmental system. For if Otepka loses his appeal, now set for October 11, it will set new precedents for conduct of government. Men like William Wieland, who withheld information about Castro, will know that they are safe from accountability. He is still in the State Department and has since been promoted. Men like Reilly, who deceived a Senate subcommittee, will know that playing the bureaucracy's game pays off—he presently holds a highpaying job with the Federal Communications Commission. And the thousands of dedicated public officials—the Otepkas and those in other government agencies—will have learned their lesson: In government, if you see something going wrong, forget it. Says Senator Dodd: "If those forces bent on destroying Otepka and the no-nonsense security approach he represents are successful, who knows how many more Chinas or Cubas we may lose?"

The American people can offer only one answer: Loud, sustained protest to President Johnson and their representatives in Congress. Until the men of Otto Otepka's stamp are safe in their jobs, with full authority to enforce a wise security program, the nation can have no reasonable assurance it is safe from enemies within.

Mr. EASTLAND. Since the two members of the committee who submitted minority views have raised the question of Mr. Otepka's activities in the State Department as an implied reason for disapproving the pending nomination, some discussion of this aspect of the Otepka case certainly appears pertinent.

The fact is, Mr. President—the sad fact is—that the actions taken against Mr. Otepka by the Department of State were in the nature of reprisals because he told the Senate Internal Security Subcommittee the truth, and disclosed wrongdoing and bad security practices within the Department.

Various issues were involved in the Otepka case.

One of the most serious of these issues was the right of a committee of this body to have access to basic documentary evidence for the purpose of establishing the truth. In this particular case, the documentary evidence was essential because officials of the Department had lied to the committee about the facts. The hearing record showed a sharp conflict of testimony, with statements made by Mr. Otepka having been flatly contradicted by subsequent testimony from officers of the Department superior to him in rank.

At this point the subcommittee demanded, and I think quite properly demanded, that Mr. Otepka bring in whatever documentary evidence might be available to support his testimony, which had been contradicted by his superiors.

Mr. Otepka met this demand by producing indisputable evidence that he had indeed told the truth, and that his superiors had lied.

This was the transmission of documents which has been referred to as a "leak." But, Mr. President, the word "leak" carries the connotation of being somehow surreptitious. There was nothing surreptitious about the production of this information by Mr. Otepka. Mr. Otepka was called to the offices of the subcommittee, and there it was demanded of him that he produce evidence, if he could, to resolve the contradictions between his own testimony and that of his superiors. Mr. Otepka produced such evidence, and it was put in the subcommittee's hearing record, and the facts with respect to the committee's demand for the evidence and Mr. Otepka's production of it were spread on the record.

If witnesses before congressional committees cannot give truthful testimony about wrong-doing or bad security within the executive branch, without facing severe reprisals from their superiors, how are the committees of Congress going to get the facts upon which to base sound legislative action?

We uphold our own prerogatives, as Members of this body, when we support the right of Otto Otepka to do what he did.

Now, Mr. President, there are some common misconceptions about the Otepka case which should be corrected.

In the first place, Mr. Otepka did not come to the committee as a voluntary informant. He was called before the committee after State Department officials had identified him as the one individual most likely to have particular information which the committee wanted.

After he came before the committee, Mr. Otepka was not a ready critic of either the State Department or of his superiors, or any of them. On the contrary, he did everything a witness honorably could do to avoid saying anything critical of either the Department or of other departmental officers.

Another misconception about the Otepka case is that the State Department's original order with respect to Otepka was upheld on appeal. This is not the case. The original order called for Otepka's dismissal. This was found not justified. The original order then was modified so as to provide for a reprimand and a reduction in grade, with a cut in pay. Mr. Otepka continued to appeal, for he felt he had done nothing deserving of any punishment. On that I agree with him.

It is noteworthy that the modification of the State Department's original order dismissing Otepka made it much more difficult for him to carry on his appeal, since a reprimand is considered to be an administrative action from which there is no right of appeal, and the right of appeal from a reassignment is much more narrow than the right of appeal from an order of dismissal.

When the State Department announced its dismissal proceedings against Otto Otepka, the Department stated that 13 separate charges against Otepka had been made; and these 13 charges were made public.

Some of these charges, couched in the language used by the Department, sounded quite serious.

For instance, there was a charge that Mr. Otepka was responsible for mutilating classified documents in violation of a criminal statute.

There was a charge that he had been responsible for improper declassification of documents.

For more than 3 years, the Department of State circulated these charges against Mr. Otepka. But when it finally got around to trying the case, the Department dropped 10 of the 13 charges.

Mr. Otepka asked for an opportunity to bring in evidence with respect to the charges the Department had dropped. He argued that he should be permitted to show that these charges were false. He argued further that the Department's action in bringing false charges against him, and then dropping those charges just before the hearings, was in itself evidence of harassment.

Mr. Otepka was denied the right to bring in any evidence with respect to the charges which the Department had chosen to drop. The Department, however, in making public announcement that the hearing on Mr. Otepka's appeal was finally about to begin, recapitulated all 13 of the charges originally made, in spite of the fact that notice already had been given to Mr. Otepka that 10 of the 13 charges were being dropped.

The only three charges retained, after 10 charges were dropped, involved allegations that Mr. Otepka gave confidential documents to an unauthorized person.

There was never any doubt at all about the facts of what happened. As I have pointed out, these facts were spread on the committee's record. The only questions at issue involved how to interpret the facts.

Mr. Otepka produced certain documents in response to the demand by the committee for evidence to establish whether Otepka, or his superiors in the State Department, had given false testimony.

Was the production of these documents, under the circumstances, a violation of an Executive order?

Was the chief counsel of the Internal Security Subcommittee of the United States Senate a so-called "unauthorized person," in spite of the fact that the documents were received by him in his official capacity, and for the purpose of having them placed in the committee's record?

Giving a document to the top staff man of a Senate committee, for inclusion in the committee's record, is just one way of giving the document to the committee. Is a Senate committee to be regarded as unauthorized to receive confidential documents?

Of course, committees of the Congress are authorized to receive confidential documents; and if committee staff members cannot receive communications for the committee, it will be difficult indeed for the committees to function.

There appears to be some danger that efforts may be made to induce Senators to vote on this nomination in accordance with their views on what powers should be exercised by the Subversive Activities Control Board, and whether Congress should take action to shore up portions of the Subversive Activities Control Act rendered inoperative or ineffective as a result of Supreme Court decisions.

Of course, neither of these issues is involved in the question now before us.

Unless there is good reason to believe this nominee is unfit for the job to which he has been nominated, the Senate should advise and consent to his appointment.

Nothing in the Otepka case provides any such reason.

Otto Otepka is a man who would not bend and did not break.

I do not mean to say that Otto Otepka lacks flexibility, where flexibility is an asset. He proved himself a good administrator, able to see both sides of a problem, quick to recognize and appreciate the viewpoints of others and willing to settle an administrative disagreement by meeting the other party half way in compromise.

Over a period of years, Mr. Otepka had substantial responsibilities for dealing with Members of the Congress, and proved himself both patient and obliging.

Otto Otepka was all these things—flexible, accommodating, patient, obliging—up to a point. Beyond that point he could not be budged. That point was where duty, honor, or morality became involved. Otto Otepka would not compromise on a matter of principle. It has always been part of his creed to do his duty as he sees it, and he has never permitted himself to be swayed from that position: not by threats, not by cozenings, not by force, and not by considerations of personal advantage.

Here lies the basis for many of the troubles which have been laid on Otto Otepka. Those who have tried unsuccessfully to coerce him, to bend him to their will against his sense of duty, his sense of honor, his loyalty to the interests of his country, or his moral principles, have wound up in a position where they either had to hate Otepka or hate themselves; and they have chosen to hate Otepka.

Mr. Otepka deserves from this body, at the very least, a vote of confidence. I hope and believe, Mr. President, that the Senate will confirm this nomination by such a substantial majority that nowhere in the world will it be possible to misunderstand or misinterpret the Senate's position.

Mr. PROXMIRE. Mr. President, during the past congressional session, several Presidential appointments and nominations have been objected to by various Members of Congress. I believe that this change in the carte blanche nomination approach for a Presidential appointment is a healthy sign. Although I intend to vote for the nomination of Otto Otepka to the Subversive Activities Control Board, I want to explain my reasons for doing so.

I am now as adamantly opposed to the Subversive Activities Control Board as I ever was, if not more so. This Board is a completely do-nothing Board which promises to continue that way unless the Supreme Court diametrically reverses its position with regard to the constitutionality of the Board's authority. It is literally in a governmental limbo.

To decide a man's qualifications for this position is completely irrelevant. In this case, a blank résumé would suffice for the job. That is why I do not believe it is fair or reasonable to judge the personality or qualifications of Otto Otepka. It is not a case of the man, but the job. My point is that the job should not exist, no matter who should be appointed.

In the 18 years of its existence, the Board has attempted to register as subversive approximately 70 individuals and organizations. But not one has actually been registered. This was because every attempt to register suspected subversives was thwarted by the courts. Attempts to register individuals merely for their associations with an undesirable organization were decided by the courts as unconstitutional.

Having no power and no authority the Board languished. With no work to do one might have expected Congress to save the American taxpayer the cost of keeping the Board in existence. But that would have been expecting too much. Through all the years, Congress went right on appropriating more than $300,000 a year while Board members and other employees went right on enjoying what must have been—and still is—the softest do-nothing job in Washington.

In 18 years the Board has wasted more than $5 million, which could, and should, have been spent on education, crime control, housing, or medical research, to cite just a few worthwhile purposes. Or the $5 million could have been retained in the Treasury to help to balance the budget or to help to provide for the possibility of reducing taxes. Admittedly, $5 million is not a tremendous sum, but I think we are entitled to expect something for our money. The SACB has been less than useless: it has brought us back to the age of the witchhunt, without contributing one iota to the Nation's security.

I call upon Congress not to grant the request for appropriations of $365,000 for the Board for the coming fiscal year. It is high time that Congress sees the folly of perpetuating this outrageous exercise in futility, and relegate the SACB to the history books. That is where it belongs.

Mr. TYDINGS. Mr. President, we are called on today to pass upon a presidential nomination requiring the advice and consent of the Senate. I raised a number of questions with respect to the nominee when the nomination was before the Judiciary Committee, and finally concluded that I could not concur in that committee's favorable recommendation of the nomination to this body. At this time I want to clarify the reasons for my opposition to the nomination of Mr. Otto Otepka to be a member of the Subversive Activities Control Board.

As we are all aware, when that Board was first created it was envisioned as a highly important watchdog over American security. In the intervening years, it has been considerably delimited in function by court decisions, to the point at

which there has been considerable discussion in this body as to the Board's continued viability. We have chosen, however, to continue its lifespan.

No one will deny the strategic importance of national security, although some may debate the most effective means of insuring it. But if we are going to have top level organizations designed to insure national security, we must have top level personnel administering them. The most potent and potentially effective security mechanism will not operate to achieve its objectives unless the people who are at its helm are capable of directing it. Mr. Otepka's record does not show him to be thusly qualified.

Rather, it reveals that, once having held a security post at the State Department, he conducted himself in such a manner that his superiors concluded it was necessary to remove him from that post. Their action was sustained by the last Secretary of State Dean Rusk, and, very significantly, after investigation was not reversed by the present Secretary William Rogers. I do not understand how the nominee, thought by the present administration to be unfit for the lesser office in the State Department, could at the same time be thought qualified for this greater office. It is a peculiar situation, at the least, where a post which raises to the status of requiring the advice and consent of the Senate is thought to require less qualification the same field of competence than one which is within the sole control of a Cabinet-level officer of the executive branch.

I strongly believe that the President should be given as much freedom as possible in making appointments which are not covered by the Civil Service. I equally believe, however, that there is a constitutional obligation in the function of advice and consent which requires more than a rubberstamp effort in the Senate. At the least, it is a requirement that in giving our approval we be assured that the candidate is fundamentally qualified to hold the office to which he is to be appointed.

After considerable deliberation, based on careful study of the nominee's record, I believe that this body would be remiss in its constitutional obligations if it consented to this nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit the nomination. 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 Michigan (Mr. HART), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

On this vote, the Senator from Michigan (Mr. HART) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Michigan would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Iowa (Mr. HUGHES) is paired with the Senator from Georgia (Mr. TALMADGE). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Georgia would vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Alaska would vote "nay," and the Senator from Michigan would vote "yea."

The result was announced—yeas 35, nays 56, as follows:

[No. 47 Ex.]

YEAS—35

Anderson	Hatfield	Montoya
Brooke	Inouye	Muskie
Cannon	Jackson	Nelson
Case	Javits	Pastore
Church	Kennedy	Pell
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Symington
Eagleton	McCarthy	Tydings
Fulbright	McGee	Williams, N.J.
Goodell	McGovern	Yarborough
Harris	Metcalf	Young, Ohio
Hartke	Mondale	

NAYS—56

Aiken	Ellender	Murphy
Allen	Ervin	Packwood
Allott	Fannin	Pearson
Baker	Goldwater	Percy
Bayh	Gore	Prouty
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bible	Hansen	Russell
Boggs	Holland	Saxbe
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Scott
Cook	Jordan, N.C.	Smith
Cotton	Jordan, Idaho	Spong
Curtis	Long	Stennis
Dirksen	Mathias	Thurmond
Dodd	McClellan	Tower
Dole	McIntyre	Williams, Del.
Dominick	Miller	Young, N. Dak.
Eastland	Mundt	

NOT VOTING—9

Burdick	Hart	Sparkman
Fong	Hughes	Stevens
Gravel	Moss	Talmadge

So the motion to recommit was rejected.

Mr. DIRKSEN. Mr. President, on the question of whether the Senate will advise and consent to the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board, I ask for the yeas and nays

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. HART), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "yea."

On this vote, the Senator from Michigan (Mr. HART) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Michigan would vote "nay" and the Senator from Alaska would vote "yea."

On this vote, the Senator from Georgia (Mr. TALMADGE) is paired with the Senator from Iowa (Mr. HUGHES). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Iowa would vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Michigan would vote "nay."

The result was announced—yeas 61, nays 28, as follows:

[No. 48 Ex.]

YEAS—61

Aiken	Ellender	Pastore
Allen	Ervin	Pearson
Allott	Fannin	Percy
Anderson	Goldwater	Prouty
Baker	Griffin	Proxmire
Bayh	Gurney	Randolph
Bellmon	Hansen	Russell
Bennett	Hatfield	Saxbe
Bible	Holland	Schweiker
Boggs	Hollings	Scott
Byrd, Va.	Hruska	Smith
Byrd, W. Va.	Jordan, N.C.	Spong
Cannon	Jordan, Idaho	Stennis
Cook	Long	Symington
Cotton	Mathias	Thurmond
Curtis	McClellan	Tower
Dirksen	McIntyre	Williams, N.J.
Dodd	Miller	Williams, Del.
Dole	Montoya	Young, N. Dak.
Dominick	Mundt	
Eastland	Murphy	

NAYS—28

Brooke	Inouye	Muskie
Case	Jackson	Nelson
Cooper	Javits	Packwood
Cranston	Kennedy	Pell
Eagleton	Magnuson	Ribicoff
Fulbright	Mansfield	Tydings
Goodell	McCarthy	Yarborough
Gore	McGee	Young, Ohio
Harris	Metcalf	
Hartke	Mondale	

NOT VOTING—11

Burdick	Hart	Sparkman
Church	Hughes	Stevens
Fong	McGovern	Talmadge
Gravel	Moss	

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of the nomination.

The motion was agreed to.

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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its

reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

The message also announced that the House had passed a joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

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

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes;

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Sp4C. Klaus Josef Strauss.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON THE SIOUX TRIBE OF INDIANS OF THE CHEYENNE RIVER RESERVATION, SOUTH DAKOTA AGAINST THE UNITED STATES OF AMERICA

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings in docket No. 114, *The Sioux Tribe of Indians of the Cheyenne River Reservation, South Dakota, Plaintiff,* v. *The United States of America, Defendant,* have been concluded, with a final judgment in the sum of $1,300,000 entered against the defendant and in favor of the plaintiffs (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION AGAINST THE UNITED STATES OF AMERICA

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings in docket Nos. 350–A, 350–E, and 350–H, *The Three Affiliated Tribes of the Fort Berthold Reservation, Plaintiff,* v. *The United States of America, Defendant,* have been concluded, with a final judgment in the sum of $1,850,000 entered against the defendant and in favor of the plaintiffs (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration and effectiveness of the work experience and training project, V–277, in Los Angeles County, Calif., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare, dated June 23, 1969 (with an accompanying report); to the Committee on Government Operations.

STATISTICAL APPENDIX TO ANNUAL REPORT OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A statistical appendix to the Annual Report of the Secretary of the Treasury on the State of the Finances, for the fiscal year ended June 30, 1968, transmitted, pursuant to law, from the Department of the Treasury; to the Committee on Finance.

PROPOSED LEGISLATION TO PROVIDE BETTER FACILITIES FOR THE ENFORCEMENT OF THE CUSTOMS AND IMMIGRATION LAWS

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws" (with accompanying papers); to the Committee on Finance.

PROPOSED LEGISLATION PROVIDING FOR APPOINTMENT OF CERTAIN PERSONS IN THE NURSING SERVICE IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

A letter from the Acting Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide for appointment of certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the PRESIDING OFFICER:

A resolution adopted by the Young Democratic Club of Montgomery County, Ohio, remonstrating against the proposed anti-ballistics-missile plan; to the Committee on Armed Services.

A resolution adopted by the Board of Supervisors of Steuben County, N.Y., remonstrating against the inclusion of municipal bonds within the present tax reform proposal; to the Committee on Finance.

A resolution adopted by the City Council of San Fernando, Calif., remonstrating against the enactment of revenue laws which would deprive State and local government obligations of their traditional immunity from Federal taxation; to the Committee on Finance.

A resolution adopted by the City Council, National City, Calif., praying for the enactment of legislation to halt current inflationary trends in the United States; to the Committee on Finance.

A resolution adopted by joint meeting of the Western Slope District County Commissioners and San Luis Valley District County Commissioners Association, held at Montrose, Colo., praying for a complete examination relating to the funding and administration of welfare; to the Committee on Labor and Public Welfare.

REREFERRAL OF S. 2306

Mr. LONG. Mr. President, on June 5, a bill, S. 2306, was introduced by the Senator from Nebraska (Mr. HRUSKA) and referred to the Committee on Finance. The bill has to do with establishing quarantine stations for animals that come from countries with certain diseases. Because it deals with ports of entry, the bill was properly referred to the Committee on Finance. However, I understand that the Committee on Agriculture and Forestry is interested in looking into the bill as well as the Department of Agriculture. On behalf of the Senator from Nebraska (Mr. CURTIS), who is a member of the Finance and Agriculture Committees, I ask unanimous consent to rerefer S. 2306 to the Committee on Agriculture and Forestry.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 980. A bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes (Rept. No. 91–268).

By Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, with amendments:

S. 1790. A bill to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program (Rept. No. 91–269).

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

S. 1076. A bill to establish in the Departments of the Interior and Agriculture Youth Conservation Corps, and for other purposes (Rept. No. 91–270).

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

S. 1613. A bill to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam (Rept. No. 91–273).

By Mr. LONG, from the Committee on Commerce, with an amendment:

H.R. 4153. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 91–271).

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

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 91–272).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

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

Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio.

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 2468. A bill to amend certain provisions of the Internal Revenue Code of 1954 relat-

ing to beer, and for other purposes; to the Committee on Finance.

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

By Mr. DIRKSEN (by request):

S. 2469. A bill for the relief of Guiseppe and Francesca Menolascina; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. BIBLE, Mr. BROOKE, Mr. FONG, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. PROUTY, Mr. SPONG, and Mr. STEVENS):

S. 2470. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. YOUNG of Ohio:

S. 2471. A bill to abolish the Subversive Activities Control Board and to transfer the powers, duties, and functions thereof to the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2472. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Government Operations.

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

By Mr. TYDINGS:

S. 2473. A bill to improve judicial machinery by granting the district courts of the U.S. jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases; to the Committee on the Judiciary.

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

By Mr. NELSON:

S. 2474. A bill for the relief of Esperanza del Iocorro Sandino; and

S. 2475. A bill for the relief of Dr. Marcial Zamaro, Jr.; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 2476. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. GOLDWATER:

S. 2477. A bill for the relief of Theodore P. Crowley; and

S. 2478. A bill for the relief of Consuela Hagler; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2479. A bill to improve the financial management of Federal assistance programs; to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

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

S. 2468—INTRODUCTION OF A BILL TO AMEND CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER, AND FOR OTHER PURPOSES

Mr. DIRKSEN. Mr. President, I introduce a bill for appropriate reference. Along with it I submit a sectional analysis of the proposed legislation and ask that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 2468), to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. DIRKSEN follows:

SECTIONAL ANALYSIS OF PROPOSED LEGISLATION "TO AMEND CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER, AND FOR OTHER PURPOSES"

Section 1. In the definition of the term "removed for consumption or sale" under the Code, would delete from the definition of the term "removals" the present exception for any beer returned to the brewery on the same day the beer is removed from the brewery.

Explanation: This change complements the change to 26 USC 5056(a) which is made in Sec. 3, below, which will authorize the brewer to make a compensating offset or deduction from the Federal beer tax for beer returned at any time to the brewer's plant from which originally removed. Retention of section 5056(a) exception would serve no purpose.

Sec. 2. Under present law, brewers are required to pay the tax on any beer shipped from the factory to commercial laboratories or otherwise for other than analysis of the beer itself. Thus, beer removed from the brewery for research in, or development or testing of, packaging materials and systems, and the like, is subject to the tax notwithstanding that it is never placed in market channels.

This section adds a new provision in 26 USC 5053 authorizing tax-free removals for such research, development, and testing, subject to such conditions and regulations as the Secretary or his delegate may prescribe. Consumer testing or other market analysis is specifically excluded from the R&D exemption.

Sec. 3. This section adds to 26 USC 5056 a new provision authorizing brewers to set off or deduct taxes previously paid or determined on beer that is returned at any time to the brewer's plant from which originally removed. As previously noted, this section and Sec. 1 above complement each other.

Explanation: Under present law and regulations, tax credit or relief on returned beer requires compliance with notice and claim procedures which, in the view of both the industry and the ATTD, are unnecessary, burdensome, and time-consuming from the standpoint of the brewer, and which make no contribution to the protection and collection of the Federal revenue. The procedural details of the new set-off authority will be prescribed by regulations which, among other things, will provide for the making and maintenance of adequate records by the brewer.

Sec. 4. This section adds a new provision to 26 USC 5056(b) extending to brewers the same privilege presently accorded to operators of distilled spirits plants for tax relief or credit in the case of third-party thefts of beer title to which has not been transferred to any third party. The same controls that are prescribed for distilled spirits thefts are established for beer.

Sec. 5. No substantive change is made by this section, which merely amends the caption of 26 USC 5056(c) by substituting the more appropriate term "Limitations" for the present caption "Date of Filing".

Sec. 6. Adds to 26 USC 5401(b) a provision authorizing the use of surety continuation certificate in lieu of new surety bonds, thus simplifying and expediting the surety procedure for brewers while at the same time assuring continued protection of Federal revenue.

Sec. 7. Expands 26 USC 5402(a) to provide expressly for continuity of brewery facilities, thus establishing specific statutory premise for the regulatory provision on this subject at 26 CFR 245.11.

Sec. 8. In keeping with industry-ATTD consensus that, in light of the controls prescribed elsewhere in the Code and its implementing regulations, no valid reason exists for continuing the now-archaic requirement for physical separation of the bottling and racking areas, this section deletes the present requirement for such separation in 26 USC 5411. In addition, for purposes of clarity, it adds "packaging and storing" of beer and other beverages among the authorized brewery uses, and substitutes the term "processing" in place of the present references to "drying" of spent grain and "recovering" of carbon dioxide and yeast. The sentence structure of the present statute is simplified.

S. 2472—INTRODUCTION OF A BILL TO ESTABLISH AN INTERGOVERNMENTAL COMMISSION ON LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference a bill authorizing a comprehensive 3-year study of Long Island Sound and the surrounding shoreline. The study will be undertaken by an independent commission consisting of members representing the Federal, State, and local governments and the many varied private interests in the future development of the sound. The commission's mandate is to develop a plan and recommendations for the constructive future use, development and preservation of Long Island Sound's unique and irreplaceable natural assets.

Long Island Sound is the largest protected expanse of salt water available to this Nation. Situated between New England and Long Island proper, the sound extends for 90 miles east and northeast from New York City to Plum Island. This great water resource, formed by glaciers thousands of years ago, now stands in the midst of this continent's greatest population center.

Year after year we have taken the sound for granted—comforted by its benign presence, inspired and rejuvenated by the myriad pleasures of its waters and shores.

But man has made his inroads on this natural playground. These advances have been, at best, a mixed blessing. Now the time has come to end our complaint acceptance of developments which wastefully disregard our environment and take a firmer hand in shaping the future of Long Island Sound.

Sec. 9—This section, which amends 26 USC 5416 by substituting the terms "package" and "packaging" for the terms "bottle" and "bottling", and defining the new terms as including kegs and barrels in addition to bottles and cans, complements the change made by Sec. 8 above in eliminating the requirement for separation of the bottling and racking areas.

Sec. 10—Adds a new 26 USC 5417 specifically authorizing the establishment and operation off brewery premises of pilot brewing plants for research, development, and test purposes relating to beer and brewery operations. Although there is considerable

support within both the industry and the ATTD for the position that adequate statutory authority already exists for pilot brewing operations in accordance with such conditions and regulations as may be prescribed, enactment of this section will dispel any lingering question on this score.

The great good fortune to have this natural body of water and shoreline at the doorstep of our largest urban complex, invites—even demands—thoughtful consideration of the potential benefits arising from the prudent use and preservation of these resources.

The same good fortune of proximity entices crass exploitation and eventual destruction. The choice is ours to make.

By reason of its unique location, the pressures of a cramped and growing population, and most of all because of man's unique ability and aspiration to utilize nature's assets for his own benefit, Long Island Sound has become the focal point of innumerable and varied development projects.

The public and private sector alike are moving rapidly to use and perhaps misuse the sound's great potential.

The coordination of these plans and projects and the building of lines of communication and cooperation between all levels of government and the private sector is a vital prerequisite for the future of Long Island Sound.

We in Connecticut have long valued the sound as a source of recreation and pleasure as well as a resource for commerce and industry. Our interest and concern now extend toward preserving a judicious balance of these uses for the benefits of future generations.

The sound's potential is limitless. Already its uses defy easy classification.

The sound is a major commercial shipping route. Its waters are the source of lobsters, crabs, clams, and oysters. Both sport and commercial fishermen are amply rewarded for their efforts.

As part of our Nation's estuarine system, the sound is an integral element in the life cycle of much of our aquatic and marine life.

Connecticut alone has 250 miles of shoreline—much of it sandy beaches. The countless inlets and coves provide opportunities for recreational swimming, fishing, and boating. Salt water sailing is enhanced by the protected location. On warm weekends, pleasure boats of all sizes and types dot the water as far as the eye can see.

Numerous offshore islands are settings of picturesque tranquillity providing refuge from the bustle of metropolitan life.

Now the beauty and potential of Long Island Sound are threatened. Today the sound is under attack—not by overt means but the insidious menace of our own carelessness.

Water pollution, shoreline erosion, the destruction of marshlands, and the loss of open spaces all diminish this great asset. The unchecked, unplanned, uncaring sprawl of metropolis threatens to engulf the sound and its shoreline.

Some will say that we overestimate the threatened danger. Much of Long Island Sound remains unspoiled and lovely. Yet this is the very reason why our concern is so relevant. Once lost, this Nation's great natural beauties are irreplaceable. It is our concern for tomorrow which calls us to act today.

But although the sound remains relatively unspoiled, the danger is clearly in sight. Toward Metropolitan New York City we are growing dense suburbs of high rise apartments. Miles of shorelines on both sides of the sound are polluted by garbage. Open space, especially along the precious shore, is at a premium or nonexistent. As far east as New Haven most of our valuable salt marshlands have been destroyed. Beaches have been closed in numerous areas. Commercial shell fishing is prohibited in 16 places along the Connecticut shore.

In the past few years Americans have learned to their sorrow the destructive and debilitating effects of haphazard and disorderly growth in our cities. It is time to take heed of this lesson and apply it to the future of other areas threatened by metropolis.

If we are to take a constructive long-term view of Long Island Sound we must understand what the sound is—what it can do and what it cannot. We must seek to preserve the delicate ecological balance for the future.

The sound is a prime area for intensive development and growth. By the year 2000, the New York metropolitan area will have over 30 million people. The great Atlantic urban complex from Maine to Virginia will house a quarter of the citizens of the United States. The 1,300 square miles of Long Island Sound will be nearly surrounded by people living in an urban environment. We will need more housing, schools, and transportation facilities. Industry and commerce will grow. More electric power will be demanded to further this growth. The question that faces us is whether in the midst of his growth and expansion, Long Island Sound will be a pleasant, scenic oasis or a dark and stagnant cesspool.

We must look into the future to resolve this question. In great part we must look to proper and perceptive planning to provide us with the blueprint. Federal, State, and local governmental plans along with private initiative must be directed in a manner consistent with best uses of the sound's potential.

Too often it seems, our own progressive programs are the culprits which ignore the environmental and ecological considerations necessary to preserve the potential of an area of great natural beauty.

Along the shores of Connecticut the bulk of lost marshlands have been the result of our desire for deeper harbors and waterways for commercial profit. Much of this dredging has been sponsored by the Federal Government.

State and Federal highways have cut off the public access to the shoreline. Today planners are considering the construction of a massive highway bridge spanning the sound. Construction of this bridge and the necessary access roads will severely burden the adjacent shoreline and perhaps blight efforts to preserve a scenic and untouched open space.

Time and time again, offshore islands have been taken over or threatened by commercial or industrial exploitation.

Already over a half dozen mammoth nuclear powerplants are on the drawing boards for construction on the sound. Yet everyone admits that we do not know the full effects of thermal pollution. The massive doses of heated water in the sound may indeed threaten the existence of the sound as we know it.

State and Federal planners are tentatively locating a major international airport here and there about the sound.

Mr. President, the net result of these programs and proposals, whether they originate in Washington, a State capital, a local governmental unit, or a corporate board room, will largely decide the future of Long Island Sound.

Our natural assets are not inexhaustible. The sound's proximity to such a large segment of our population demands that we plan for the greatest possible public benefit from its resources. Yet we have no blueprints to guide us—no indication that airports, powerplants, and highways are the greatest public benefit.

We cannot lose Long Island Sound. More importantly, we cannot afford such a loss simply for lack of foresight.

Mr. President, it is time we stopped to take a long look at the future.

Because of its location and national significance, Congress must take the lead in providing coordination and foresight in the development of this area. The future of Long Island Sound does not lie merely in prohibiting this, or permitting that element of growth. It lies in cooperation and understanding between the various segments of society with an interest in the future of the sound.

The demands of our society are complex. The resources to meet these demands are not unlimited. We must be prudent and farsighted in our use of these resources.

We know that open space must not always be sold to the highest bidder. We know, too, that technological advances do not mean progress until they are harnessed for the benefit of all. Most of all we know that within a limited space and with limited resources, a program of unplanned and unchecked developments may be disastrous.

For these reasons the legislation which I introduce today authorizes the establishment of an independent commission with a far-reaching mandate to survey the sound and shoreline, and study the public and private programs of development which are existing or contemplated in the area. With this background, the commission is to develop a plan and recommendations for the future development, preservation, and administration of the area.

The membership of the commission is suitably broad based for the task. Seven members will be appointed from various branches of the Federal Government representing the many varied interests in the development of Long Island Sound. Four members will be appointed from New York and Connecticut—two from each State. At least two members of the commission will live near the sound. Finally, the President is authorized to appoint four new members

to the commission from the private sector.

The commission will have a 3-year life. The resulting study and plan will relate to a number of important issues facing the future of the sound. Among these are the protection and enhancement of the scenic, scientific, historical and recreational values of the environment; the preservation, where possible, of the existing landscape; the elimination of water pollution, including the thermal effects; the protection of wildlife.

Furthermore, the commission will study the potential alternative uses of the natural resources and make recommendations to promote the greatest public benefits. Particular emphasis will be given to consideration of the long-range goals and priorities of governmental programs which affect the sound.

Finally, the commission will recommend the means to carry out its blueprint.

The commission, in addition to having local and State presentation, is affirmatively instructed to seek out the advice and participation of State and local groups as well as private interests. We must have the views of all interested in the sound including conservationists, industry, commerce, municipal and transportation planners and recreation enthusiasts. All have a legitimate interest and all must be heard.

The bill asks for cooperation at all levels of Government so that the final study and recommendations will have real meaning. The commission will not compromise the autonomy of any governmental unit. Instead, it will seek to encourage the initiative of all interested parties, in an effort to preserve the physical integrity of the sound and promote the public interest.

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

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

The bill (S. 2472), to establish an Intergovernmental Commission on Long Island Sound, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2472

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

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. (a) The Congress finds that several executive departments and agencies of the federal government have an interest in and jurisdiction over the future development and use of the natural resources of Long Island Sound and adjacent areas. The Congress further finds that the States of Connecticut and New York and local governmental units have similar interests and jurisdiction.

The Congress finds that action to develop and preserve the natural resources of Long Island Sound and adjacent areas is of the utmost importance to the United States, and that, as a matter of national policy, these resources should be developed in a manner consistent with greatest public benefits.

The Congress declares that in order to promote the most beneficial uses of these natural resources, the Congress has a responsibility to promote effective coordination in future planning among the interested governing agencies.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) For the purposes of carrying out this policy, there is hereby established an Intergovernmental Commission on Long Island Sound (hereinafter referred to as the "Commission") which shall be composed of fifteen members as follows:

(1) four appointed by the President;

(2) two appointed by the Secretary of the Interior, one to represent the Federal Water Pollution Control Administration and one to represent the Bureau of Outdoor Recreation;

(3) one appointed to represent the Department of Health, Education and Welfare by the Secretary of such Department;

(4) one appointed to represent the Department of Housing and Urban Development by the Secretary of such Department;

(5) one appointed to represent the Department of Transportation by the Secretary of such Department;

(6) one appointed to represent the Federal Power Commission by such Commission;

(7) one appointed to represent the Atomic Energy Commission by such Commission; and

(8) four appointed to represent the States of New York and Connecticut, two appointed by the Governor of each such State, at least one of whom shall be a resident of a shoreline area adjacent to Long Island Sound.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman, and a Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall make a full and complete study of Long Island Sound and the adjacent shoreline area in the State of New York and Connecticut and survey of all federal, state and local programs existing or contemplated affecting the Sound and shoreline for the purpose of formulating a comprehensive plan providing for the future development, protection and administration of the natural assets of the area.

(b) The study and plan shall include but be limited to findings and recommendations with respect to—

(1) the protection and enhancement of the scenic, scientific, historic, and recreational values of the natural environment;

(2) the protection of existing landscape, including estuarine and marshland areas;

(3) the elimination of water pollution and protection against increasing thermal effects on the water resources, including a determination of the advisability of discontinuing all refuse dumping in the Sound;

(4) the protection of wildlife and marine life of the sound and adjacent areas;

(5) potential alternative beneficial uses of land and water resources, including off-shore islands, taking into account present and proposed future uses for industrial, commercial, transportation, residential and other purposes:

(a) particular emphasis should be given to a study and consideration of the long range goals and priorities of all federal programs affecting the Sound and the adjacent shoreline and recommendations made to effect coordination of such programs, goals and priorities;

(6) protection of adequate open spaces for future generations, taking into account potential effects of increased building and urbanization of the shoreline, and the extent to which land or interests therein and scenic or other easements will need to be acquired by the Federal, state or local governments and the estimated cost of acquiring, developing, and administering such land or interests therein and scenic or other easements, for public use and benefit;

(7) the type of Federal, state, local or coordinated action necessary to carry out such plan and otherwise to preserve and enhance the desirable values of the area, including consideration of appropriate and governmental apparatus to administer the area.

(c) The Commission shall consult with and seek the participation of appropriate state, county, town and village officials as well as other interested groups in formulating the plan.

(d) The Commission shall submit to the President, and to the Congress annual interim reports with respect to its study and investigation, and a final report with respect to its findings and recommendations not later than three years after the Commission has been fully organized.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

COMPENSATION OF MEMBERS

SEC. 5. (a) Any member of the Commission who is appointed from the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (2), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as

may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 7. The Commission shall cease to exist ninety days after the submission of its final report.

S. 2473—INTRODUCTION OF A BILL TO EXPEDITE RESOLUTION OF JURISDICTIONAL CONFLICTS

Mr. TYDINGS. Mr. President, I am today introducing, for appropriate reference, a bill to empower the district courts of the United States to resolve controversies relating to jurisdiction to regulate a public utility. Its purpose is to eliminate the enormous waste of time and money, as well as the obstacles to effective utility regulation, occasioned by the duplicative and protracted litigation that often occurs when two or more regulatory agencies assert conflicting jurisdictional claims.

Since December 14, 1967, when I introduced a similar bill in the 90th Congress, there has been widespread indication of concern about this problem and of interest in the bill. For example, the Honorable William O. Doub, chairman of the public services commission of my own State of Maryland, wrote:

I have read the bill carefully and find it to be most desirable in its stated purpose—to speed up decisions in controversies over regulatory jurisdiction.

In addition, I can tell you that the bill has the support of our Commission.

The bill has the wholehearted support of the American Bar Association. Several years ago that association made a study of the problem that the bill is designed to meet and reached the conclusion that the public interest demands the improvement in the regulatory process that the bill would afford.

It is quite apparent that there is something seriously wrong when our judicial machinery requires years of duplicative litigation through multiple State and Federal commissions and courts, at enormous expense both to the regulated company and the public treasury, just to find out which of two or more agencies asserting regulatory jurisdiction actually has it. Yet, this is exactly what happens under our present system.

The bill that I am introducing today would provide far more orderly administration of justice. It would enable a Federal court to resolve expeditiously, at the outset, jurisdictional controversies between two or more regulatory agencies. The substantive regulatory issues would then be dealt with only by the agency found to have jurisdiction and not before any agency erroneously claiming jurisdiction.

This bill, by eliminating the necessity for litigation on multiple fronts just to resolve competing claims of jurisdiction, will remove barriers to effective regulation. It will permit more expeditious resolution of uncertainties as to regulatory authority. Such uncertainties tend to inhibit both aggressive regulation by the proper agency and important investment and other decisions by private business.

Enactment of this bill would benefit the public, the regulatory agencies, and regulated business alike. It deprives no agency, Federal or State, of jurisdiction to regulate. It confers no special privilege on anyone. What it does do is accelerate the regulatory process and make it more orderly by setting up a workable procedure for resolving jurisdictional disputes promptly.

There is simply no reason for the waste and delays in our present regulatory procedures in cases involving conflicting claims of jurisdiction. I hope that the remedy provided by the bill will receive favorable consideration in this body.

I ask that the bill be printed in the RECORD at this point.

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

The bill (S. 2473), to improve judicial machinery by granting the district courts of the U.S. jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2201 of title 28 of the United States Code is amended by redesignating section 2201 as section 2201(a) and by adding at the end thereof a new subsection as follows:

"(b) The district courts shall have original jurisdiction of any civil action or proceeding to resolve a controversy with respect to jurisdiction to regulate a public utility—

"(i) between two or more States or their agencies,

"(ii) between the United States or one or more agencies of the United States, on the one hand, and one or more States or State agencies, on the other hand,

upon the filing of an appropriate pleading by any such public utility or government or agency. The term 'agencies' includes all regulatory commissions and other bodies having or exercising any regulatory function with respect to public utilities. The United States or any agency of the United States may join or be joined as a party to such an action. Any State or State agency may join or, with its consent where necessary, be joined as a party to such an action. The court may declare the rights and other legal relations of the parties to such action to the extent necessary to resolve such controversy with respect to jurisdiction, and such declaration may be made without regard to whether to what extent any administrative remedies have theretofore been pursued or exhausted. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

SEC. 2. Title 28 of the United States Code is hereby amended by adding thereto the following new section:

"§ 1407. Public utility jurisdictional controversies

"Any civil action or proceeding for a declaratory judgment, under paragraph (b) of section 2201 of this title, to resolve controversy with respect to jurisdiction to regulate a public utility may be brought in any judicial district wherein is the residence or principal office of the public utility: *Provided, however,* That whenever one or more States, or agencies thereof, are parties, the civil action or proceeding must be brought in a judicial district within one of such States."

SEC. 3. The table of sections at the head of chapter 87 of title 28 of the United States Code is amended by adding at the end the following item:

"1407. Public utility jurisdictional controversies."

S. 2476—INTRODUCTION OF A BILL TO EXPEDITE DELIVERY OF SPECIAL DELIVERY MAIL

Mr. YARBOROUGH. Mr. President, today I introduce a measure that will assure the continuance of adequate special delivery mail service. To some this may seem of minor importance in and of itself—but I feel it is a measure which is symptomatic of the current overall threat to our postal system and the vital service it provides.

One of the most recent acts of our new Postmaster General has been to schedule a reduction in the number of special deliveries per day in our major cities and concurrently to propose an increase in special delivery rates. This action and recommendation are further examples of what would be in store for our entire postal service should the administration's proposed postal corporation plan be adopted.

Special delivery service is a needed middle-ground between routine mail and telegraphic service. It is a vital communications link for much of the commerce that takes place in our Nation today—particularly in our large, crowded cities. It is a service that should be maintained, and that is what this measure is designed to do.

My bill is a companion to a similar bill introduced in the House of Representatives by Representative ROBERT NIX, the able chairman of the House Subcommittee on Postal Operations. In introducing this measure I would like to underscore Congressman NIX's request of Postmaster General Blount that he delay his plan to drastically reduce special delivery service by July 1 until the Congress has at least had the opportunity to thoroughly look into this entire matter.

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

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

The bill (S. 2476), to expedite delivery of special delivery mail, and for other purposes, introduced by Mr. YARBOROUGH was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6006 of title 39, United States Code, is amended by adding the following subsection:

"(c) Except for emergency conditions beyond his control, during normal special delivery hours, the postmaster shall arrange special delivery trips so that (a) in the central business sections delivery will be made within two hours of the time of applying the receiving postmark at the unit from which delivery is made; (b) in all other areas delivery will be made within three hours of the time of applying the receiving postmark at the unit from which delivery is made.".

S. 2479—INTRODUCTION OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1969

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill entitled the "Intergovernmental Cooperation Act of 1969." This measure is a followup to last year's legislation—Public Law 90–577—the first ever enacted in this critical field. I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

(See exhibits 1 and 2.)

Mr. MUSKIE. Mr. President, this new bill focuses on specific and sometimes controversial ways of strengthening the operations of the Federal grant-in-aid system. It is preeminently a modern management measure—a critical need of contemporary American federalism.

Mr. President, developments during recent years have produced growing concern over the administration of Federal assistance programs to State and local governments. These programs now constitute the principal tool of fiscal and functional federalism, and they have had a near-explosive growth in recent years. From 1962 to 1966, the number of separate grant authorizations more than doubled, rising from 161 to 379. During the 90th Congress, at least 42 new broad-grant programs involving well over this number in separate authorizations were enacted. As of that moment the total is well above the 420 mark. No one can tell us the exact figure with any certainty.

In dollar terms, Federal aid experienced a nearly fourfold increase between 1957 and 1967, with an average annual hike of over 14 percent. During the past 5 years alone, grant outlays have more than doubled, jumping from $10.1 billion in 1964 to an estimated $20.8 billion for the current fiscal year. According to the latest Bureau of the Budget projections, Federal grant expenditures for fiscal year 1970 will soar to the $24.5 billion mark, or more than 3½ times the 1960 figure.

These grant outlays now provide nearly 18 percent of State and local revenue. Their matching requirements have generated State and local expenditures in the order of one for every two Federal grant dollars. At the same time, State and local matching represents only about 10 to 14 percent of general expenditures from their own revenue sources. Bureau of the Budget projections for 1970 indicate that these matching funds will rise to an estimated $10 to $13 billion or nearly $5 to $8 billion more than the 1966 amount.

These findings clearly indicate that grants-in-aid are one of the major supports of our Federal system. At the time they have generated great difficulties.

Since its creation in 1962, the Subcommittee on Intergovernment Relations has undertaken a continuous study of problems of the relationships that comprise our complex federal system. In our studies of "The Federal System as Seen by State and Local Officials" and "The Federal System as Seen by Federal Aid Officials," as well as in our hearings on the Intergovernmental Cooperation Act in the 89th and 90th Congresses and on "Creative Federalism" in the last Congress, we have ample evidence that public officials at all levels are acutely aware of the adverse consequences that the profusion and excessive fragmentation of Federal assistance programs produce. Some of them follow:

First. There is an "information gap" concerning what programs, who administers them, how closely related grants differ, and the proper approach for assembling a proper application. Title II of the Intergovernmental Cooperation Act of 1968 partially fills this gap.

Second. There is a "communications gap" between top management officials and middle management program administrators at all levels—with the latter being directly strengthened by the program fragmentation and the former weakened by it. Very little has been done to close this gap, although title IV of last year's legislation, if properly implemented, could begin to close it.

Third. There is the phenomenon of "grantsmanship," a game which has attracted private consultants and others who, for a fee, guide applicants through a maze of bureaucratic procedures and complicated catalogs of available assistance programs. This game is far from over.

Fourth. There is the "promise-performance gap," where funding uncertainties, the major hurdles facing attempts to package Federal aids on a multifunctional basis, and duplicating financial management requirements have generated significant disillusionment and distaste among recipient State local officials.

Fifth. There is the matter of overlapping and duplication among various grants and a resulting situation where eligible applicants may play off two or more Federal agencies against one another, especially when grants have differing matching ratios.

Sixth. There is the gap in understanding arising from the fact that department heads, the Executive Office of the President, and relevant standing committees of Congress do not periodically receive analytical information on the operations, interrelationships, and program performance of the various grants-in-aid falling under their respective jurisdictions. Comparable, if not more severe, problems face Governors, State legislators, county executives, and mayors.

The Subcommittee on Intergovernmental Relations has identified these and other administrative problems that arise as a result of the excessive complexity and categorization of the grant-in-aid system. Moreover, the Advisory Commission on Intergovernmental Relations, of which the senior Senator from North Carolina (Mr. ERVIN), the senior Senator from South Dakota (Mr. MUNDT), and I are members, has thoroughly corroborated the extent of these difficulties, most notably in its authoritative report on "Fiscal Balance in the American Federal System."

Since its inception, the Subcommittee on Intergovernmental Relations has sought and achieved Senate passage of measures that would come to grips with various aspects of this management morass.

In the 88th Congress, we developed and the Senate passed a measure to provide for periodic congressional review of future grant-in-aid programs.

In the 89th Congress, we developed and successfully urged Senate enactment of the Intergovernmental Cooperation Act of 1965, a measure designed to achieve the fullest cooperation and coordination of activities among the levels of government.

In the last Congress, the Congress enacted the Intergovernmental Cooperation Act of 1968. In the last Congress, we also reported and achieved Senate passage of the Intergovernmental Personnel Act.

In this Congress, we have again considered legislation that will help fill the manpower gap at the State and local levels (S. 11). The proposed Intergovernmental Cooperation Act of 1969 constitutes another attempt on our part to develop meaningful solutions to clearly identifiable problems in the critical field of grant management.

In sponsoring this and earlier legislation, I have sought to underscore the significance of achieving reform within the context of the grant system. Reform is our goal, because we recognize the essential wisdom of the grant-in-aid approach. Grants are both a symbol and a system of cooperative federalism, as the report to the President of the Kestnbaum Commission on Intergovernmental Relations noted over 13 years ago. They have revealed their ability to adapt to rural, depression-rooted, and urban growth problems. For these and other reasons, the categorical grant system—while in need of reform—is still deserving of support.

The measure I introduce today seeks to strengthen and improve the management of Federal assistance programs. It deals directly with immediate and pressing problems. Specifically, it comes to grips with four basic difficulties that plague grant administration: First, the overlapping and duplication in grant auditing, accounting, and fiscal reporting; second, the complicated application procedures that impede the packaging of Federal assistance by recipient jurisdictions; third, the excessive fragmentation of grant authorizations and categories; and fourth, the problem facing the committees of Congress, Congress as a whole, departmental heads, and the President in obtaining—on a meaningful and periodic basis—adequate information regarding the operation, interrelationships, and effectiveness of grants-in-aid over which they have oversight responsibilities.

Each of these problems has been fully documented in the subcommittee studies that I have cited, as well as in the Advisory Commission's "Fiscal Balance" report. The proposed legislation implements three specific recommendations advanced in this ACIR study and another from its earlier report on "Periodic Congressional Reassessment of Federal

Grants-in-Aid to State and Local Government."

Three of the titles—relating to financial management, Federal assistance consolidation, and joint funding simplification—were considered at length in subcommittee hearings last year. In their present form, they incorporate many of the suggested changes advanced during these earlier proceedings. In addition to the Advisory Commission on Intergovernmental Relations, several major associations representing public officials throughout the Federal system—the National Governors' Conference, Council of State Governments, National Association of Counties, National League of Cities, and the U.S. Conference of Mayors—have endorsed all of or a majority of the bill's provisions.

Mr. President, I have spoken many times during the past 5 years about the management problems connected with grant administration. The Intergovernmental Cooperation Act of 1968, the intergovernmental personnel bill, and the National Intergovernmental Affairs Council legislation underscores the continuing efforts of the Subcommittee on Intergovernmental Relations to strengthen the basis of intergovernmental administration. The proposed Intergovernmental Cooperation Act of 1969 is another manifestation of this perennial concern. By focusing on the need for more uniform and less duplicative financial management, the desirability of facilitating the packaging of grant-in-aid applications, the paramount problem of achieving additional grant consolidations, and the pressing question of beefing up congressional and executive branch oversight, this omnibus measure comes to grips with well documented sources of tension and turmoil in the administration of Federal assistance programs.

Intergovernmental relations today are more intricate, and more involved, than they have ever been in our entire history. To succeed, this system must be governed by a spirit of cooperation. Yet, conflict and confusion seem to be the order of the day.

To curb this conflict and to reduce the confusion, top policymakers at all levels—the President and the Congress, the Governor and the legislature, the mayor and the council—must be in a position to plan, pass, implement, fund, and review the vital public programs this generation of Americans demands. Effective public management is crucial to both the executive and legislative branches. Efforts then to strengthen it on an interbranch, interagency, and intergovernmental level must be examined, debated, and—where worthy—enacted and executed.

The proposed Intergovernmental Cooperation Act of 1969 addresses itself to these pivotal questions. I do not overstate the case by asserting that the future of federalism depends on how well we, at the Federal level, provide meaningful answers to the critical issues dealt with by this legislation.

The bill (S. 2479) to improve the financial management of Federal assistance programs; to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 2479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1969."

TITLE I—DEFINITIONS

SEC. 101. Title I of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; Pub. L. 90–577) is amended by adding at the end thereof the following new sections:

"FEDERAL ASSISTANCE CONSOLIDATION PLAN

"SEC. 111. The term 'Federal assistance consolidation plan' means any plan involving a consolidation of two or more Federal assistance programs in the same or closely related functional area(s) and with separate statutory authorizations.

"JOINT PROJECT

"SEC. 112. The term 'joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations and one or more State programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes."

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

SEC. 201. Such Act is further amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization of financial reporting requirements of Federal assistance programs, to promote among Federal agencies administering such programs accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorize the Comptroller General of the United States to prescribe rules and regulations for use of audits of States and political subdivisions in meeting the responsibilities of the General Accounting Office with respect to such programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 702. Notwithstanding any other provision of law, the President shall have authority to promulgate rules and regulations simplifying and, to the extent feasible, unifying the financial reporting required of recipients under requirements of Federal assistance programs.

"RELIANCE ON STATE AND LOCAL AUDITS

"SEC. 703. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, reply on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether accounting records are maintained, and reports are prepared, in accordance with generally accepted accounting principles applicable to such programs and such recipient jurisdictions; (2) whether audits are carried out with adequate coverage in accordance with generally accepted auditing standards; and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purposes of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate the auditing requirements of such programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency shall conduct the audits for another.

"(h) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 301. Such Act is further amended by adding after title VII, as added by section 201 of this Act, the following new title:

"TITLE VIII—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 801. (a) The President shall from time to time examine the various programs of Federal assistance provided by law and shall determine which consolidations are necessary or desirable—

"(1) to promote the better execution and efficient management or individual Federal assistance programs within the same functional areas;

"(2) to provide better coordination among individual assistance programs within the same functional areas; or

"(3) to promote more efficient planning and use by the recipients of Federal assistance under programs within the same functional areas.

"(b) The Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that such purposes may be accomplished in great measure by proceeding under this title, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"PREPARATION AND TRANSMITTAL OF PLAN

"SEC. 802. (a) When the President, after investigation, finds that a consolidation of individual Federal assistance programs within the same or closely related functional area(s) is necessary or desirable to accomplish one or more of the purposes set forth in section 801(a), he shall prepare a Federal assistance consolidation plan for the making of such consolidation, and shall transmit such plan (bearing an identification number) to the Congress, together with a declaration that with respect to each individual program consolidated under such plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 801(a). Each such consolidation plan so transmitted—

"(1) shall place responsibility in a single Federal agency for administration of the consolidated program;

"(2) shall specify in detail the matching formula and, where relevant, the apportionment formula for rendering Federal assistance under the consolidated program and such other relevant conditions and requirements for rendering such assistance, including planning and eligibility requirements, as may be indicated by one or more of the statutes establishing the individual programs consolidated under the plan;

"(3) shall set forth differences between such formulas, conditions, and requirements and the corresponding provisions of the statutes of each of the individual Federal assistance programs consolidated under such plan;

"(4) shall provide for the transfer or other disposition of the records, property, and personnel of individual Federal assistance programs affected by a consolidation;

"(5) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with such programs as are involved in the consolidation, as the President considers necessary by reason of the consolidation for use in connection with the functions of the consolidated program; and

"(6) shall provide for terminating the affairs of an agency or administrative unit whose programs have been transferred as a consequence of the consolidation.

"(b) Each Federal assistance consolidation plan shall provide for only one consolidation of individual assistance programs.

"(c) The President shall have a Federal assistance consolidation plan delivered to both Houses on the same day and to each House while it is in session.

"CONGRESSIONAL CONSIDERATION

"SEC. 803. (a) Except as otherwise provided in subsection (c) of this section, a Federal assistance consolidation plan shall become effective on the first day of the month following the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 90-day period, either House passes a resolution stating in substance that the House does not favor the Federal assistance consolidation plan.

"(b) For purposes of subsection (a) of this section—

"(1) continuity of session is broken only by an adjournment of the Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the 90-day period.

"(c) Under provisions contained in a Federal assistance consolidation plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

"(d) A Federal assistance consolidation plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"SEC. 804. (a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution introduced in either House stating in substance that the House does not favor a Federal assistance consolidation plan transmitted by the President in accordance with this title; and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) The following provisions shall apply with respect to a Federal assistance consolidation plan:

"(1) A resolution with respect to a Federal assistance consolidation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(2)(A) If the committee to which a resolution with respect to a Federal assistance consolidation plan has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the Federal assistance consolidation plan which has been referred to the committee.

"(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same Federal assistance consolidation plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same Federal assistance consolidation plan.

"(3)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a Federal assistance consolidation plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(4)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a Federal assistance consolidation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

"(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a Federal assistance consolidation plan shall be decided without debate.

"EXPIRATION DATE

"SEC. 805. The authority of the President under section 802 to transmit Federal assistance consolidation plans shall expire three years after the date of the enactment of the Intergovernmental Cooperation Act of 1969."

TITLE IV—JOINT FUNDING SIMPLIFICATION

SEC. 401. Such Act is further amended by adding after title VIII, as added by section 301 of this Act, the following new title:

"TITLE IX—JOINT FUNDING SIMPLIFICATION

"SEC. 901. The purpose of this title is to enable States and their political subdivisions to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 902. (a) The head of every Federal department and agency administering two or more Federal assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his department or agency.

"(b) To develop the necessary departmental or agency capability to achieve the purposes of section 901, the head of such department or agency, among other actions, shall—

"(1) identify related programs within his department or agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects;

"(2) develop and promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and developemnt of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his department or agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified, and make modifications accordingly;

"(4) establish common technical or administrative rules among related Federal assistance programs administered by his department or agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) develop common accounting, auditing and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his department or agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal department and agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting departmental or agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint project as a whole;

"(3) inconsistent or conflicting departmental or agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting departmental or agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting departmental or agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting departmental or agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal department and agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects to his department or agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may prescribe rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received and from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal department or agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his department or agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necesary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"SEC. 903. (a) In order to extend selectively the benefits of joint projects and joint management funding on a Government-wide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

"(b) In order to develop the necessary capability within the Executive Office of the President for achieving the purposes of this section, the President shall have authority to exercise, with reference to interdepartmental demonstration joint projects, the same responsibilities and authorities assigned to heads of Federal departments and agencies with reference to intradepartmental joint project under subsections (b), (c), (d) and (e) of section 902.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other such departments and agencies of any powers relating to approval, under this section, or programs or classes of programs under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal departments and agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other departments or agencies to perform such activities, with respect to programs or classes of programs subject to this section. Delegation authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal department or agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected departments and agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those departments and agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the department or agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal departments and agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations wil be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"(f) Demonstration joint projects initiated under the authority conferred by this section shall not exceed 100 in any one fiscal year, and shall not exceed 250 during the period of three years during which this section is effective.

"(g) This section shall expire three years after it becomes effective, but its expiration shall not affect the administration of joint projects previously approved.

"FUNDING AND PERSONNEL AVAILABILITY

"SEC. 904. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"SEC. 905. For the purpose of audit and examination, the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

EFFECTIVE DATE

SEC. 402. Sections 902 and 903 of the Intergovernmental Cooperation Act of 1968, as added by section 401 of this Act, shall become effective 120 days after the date of enactment of this Act.

TITLE V—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 501. Section 601 of such Act is amended by adding at the end thereof the following new subsection:

"(c) If any Act of Congress enacted on or after January 3, 1971, authorizes the mak-

ing of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the Committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than 120 days before such authority is due to expire."

SEC. 502. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member of the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1969. Such reports shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each programs' statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination at headquarters and in the field with other related Federal assistance programs;

"(4) efforts to simplify and make more uniform (A) application forms and procedures and (B) financial reporting and auditing requirements and procedures;

"(5) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where such exist;

"(6) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(7) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(8) the extent to which such programs are adequate to meet the growing and changing needs which they were designed to support.

"(b) The President shall transmit to the Congress, not later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1969. Each report shall (1) summarize and analyze the findings of department and agency reports provided in subsection (a) of this section; (2) set forth such recommendations as he may deem appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental cooperation; and (3) such other matters that are considered pertinent."

The section-by-section analysis, presented by Mr. MUSKIE, is as follows:

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1969

TITLE I—DEFINITIONS

This title contains definitions of two terms used frequently in other titles of the bill.

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

Title II amends the Intergovernmental Cooperation Act of 1968 (P.L. 90–577) by adding a new Title VII which deals with the accounting, auditing, and reporting of Federal assistance funds. Section 701 sets forth the purposes of this new title: to encourage the simplification and standardization of the diverse financial reporting requirements of Federal assistance programs, to promote among Federal grant agencies accounting and auditing policies that rely on those State and local fiscal control systems which meet certain professional standards, and to empower the Comptroller General of the United States to establish rules and regulations for use of certain State and local audits in meeting GAO's responsibilities regarding Federal assistance programs.

More uniform financial reporting

Section 702 authorizes the President, notwithstanding any other provisions of law, to establish rules and regulations that will simplify and, where possible, make more uniform the financial reporting requirements associated with Federal assistance programs. The purpose here is to bring greater order to a situation where widely varying forms, differing time schedules, and divergent data requests have undermined the basic objectives of meaningful fiscal reporting on Federal assistance programs.

Federal agencies reliance on the financial management control systems of States and their political subdivisions

Section 703 declares it to be the purpose of this section that Federal agencies administering assistance programs to State and local governments shall, to the maximum extent feasible, rely on the internal or independent accounting and auditing of these programs performed by recipient jurisdictions. Under this section, heads of agencies are assigned the responsibility of determining the adequacy of the internal financial management control systems utilized by recipient jurisdictions. In meeting this responsibility, such heads will, among other things, ascertain whether accounting records are maintained and reports prepared according to generally accepted accounting principles, whether audits are carried out in a way that meets generally accepted auditing standards, and whether the auditing function is performed in a timely fashion by a qualified professional staff that is sufficiently independent—in an administrative and political sense—from program operations, so that a comprehensive and objective audit can be performed. Where such control systems are found acceptable, agency heads, in the absence of substantial reasons to the contrary, are required to accept the audits performed under such systems as a substitute for those which otherwise would be performed by their own agency personnel. The periodic sample testing technique is cited as the chief means of verifying the continuing reliability of accepted control systems.

In order to strengthen the cooperative relationships among fiscal management personnel, each Federal agency administering assistance programs is required (under Section 703(e)) to maintain continuous liaison with counterpart State and local fiscal control administrators and the interchange of audit standards and objectives and interlevel collaboration in the development of audit schedules are specifically cited as means of furthering this liaison. To reduce the proliferation of accounting and auditing systems within and between Federal agencies, Federal agency heads are required, to the extent feasible and permitted by law, to coordinate the auditing requirements of assistance programs coming under their jurisdiction (Section 703(f)) and to establish cross-servicing arrangements with other agencies for audit purposes (Section 703(g)). The Bureau of the Budget, or such other agency as may be designated by the President, is authorized to prescribe government-wide rules and regulations for the effective implementation of this section.

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

This title further amends the Intergovernmental Cooperation Act of 1968 (P. L. 90–577) by adding another title to it dealing with a new approach to achieving consolidations of Federal assistance programs.

Section 801 declares the title's basic purposes and states that the President from time to time shall examine the various Federal assistance programs and determine what consolidations are necessary and desirable in order to upgrade the management and coordination of individual programs falling within the same functional area, and to promote more efficient planning and use by recipient jurisdictions of such programs.

Section 801(b) establishes a Congressional policy with respect to Federal assistance program consolidations and declares that the better management purposes of this title can best be accomplished by its enactment.

Preparation and transmittal of plan

Under Section 802, the President, after finding that a consolidation of two or more functionally-related aid programs is necessary and desirable to achieve the purpose(s) of this title, is authorized to prepare a consolidation plan and to transmit it to Congress along with a declaration indicating his finding that the plan will further the purposes of this title.

Each consolidation plan transmitted must place responsibility in a single Federal agency for the administration of the consolidated program; specify the new, single matching formula and, where the individual programs being combined have apportionment formulas for rendering Federal assistance under the consolidated program; include other conditions and requirements for rendering such assistance, including planning and eligibility requirements, which are suggested by counterpart provisions of Federal assistance statutes affected by the consolidation plan; spell out the differences between the formulas, conditions, and requirements of a consolidation plan and those in such counterpart provisions, provide for the transfer or other disposition of records, property, and personnel of the individual assistance programs involved; arrange for the transfer of those unexpended balances of appropriations and of other funds available for the individual assistance programs affected insofar as the President considers it necessary in light of the functions authorized by the consolidated program (except that unexpended bal-

ances thus transferred may be used only for purposes authorized in the original appropriation); and make provision for terminating the affairs of an agency or administrative unit whose programs have been transferred pursuant to the proposed consolidation. With reference to the President's discretion in determining a consolidation plan's formulas, requirements, and conditions, its scope is limited by two factors: first, no such provision can be included that is not present in at least one of the individual aid programs being consolidated, and second, whenever two or more differing matching (or apportionment) ratios are present in such programs the new figure must fall within the bounds set by these ratios.

Finally, this section stipulates that each Federal assistance consolidation plan shall provide for only one consolidation of individual assistance programs and that the President when transmitting such a plan, shall have it delivered to both Houses of Congress on the same date and to each when in session.

Congressional consideration

Sections 803 and 804 of this title set forth the manner in which Congress shall consider Federal assistance consolidation plans. In all major respects the procedure here parallels the provisions that formally applied under the Reorganization Act of 1949, as amended. One major difference between the two appears in Section 803 which stipulates that a Federal assistance consolidation plan shall only become effective at the end of the first period of ninety calendar days of continuous session of the Congress after transmittal date (rather than sixty calendar days), unless between the day of transmittal and the end of the ninety day period either House passes a resolution not favoring the plan.

Expiration date

Section 805 limits the authority of the President under Section 802 to three years after the date of enactment. This provision is geared to giving both Congress and the Executive Branch an opportunity to review the operation of this title after a reasonable period of time.

TITLE IV—JOINT FUNDING SIMPLIFICATION

Section 401 further amends the Intergovernmental Cooperation Act of 1968 by adding a new Title IX dealing with joint funding simplification. Section 901 states that the purpose of the title is to enable States and localities to use Federal aid programs more effectively and efficiently, to adapt these programs more readily to their individual needs by facilitating the broader use of joint projects involving more than one aid program, and to acquire experience that would lead to additional legislative proposals regarding consolidation, coordination, and simplification of Federal assistance programs. The statement of purpose also indicates the basic organizational focus of the title (which differs from that of predecessor legislation introduced in the 90th Congress) wherein primary emphasis is given to developing widespread use of joint projects and joint funding arrangements within individual departments and placing counterpart efforts at the interdepartmental level on an experimental and limited demonstration basis.

Intradepartmental joint projects

Section 902 deals wholly with procedures involving intradepartmental joint projects and joint funding arrangements. Under it, the head of each Federal department and agency administering more than one Federal aid program is authorized to approve combined applications for joint projects requiring funding from two or more such programs falling under his jurisdiction. To develop the necessary departmental or agency capability for achieving the purposes of this title, Section 902(b) requires departmental heads, among other things, to identify related aid programs within his agency that are likely candidates for joint projects; to develop and promulgate guidelines, joint project examples, common application forms, and other materials that will facilitate development of an interdepartmental joint project program; to review the various administrative requirements of departmental assistance programs in order to identify those that might impede the expeditious processing of joint project applications and where appropriate make the necessary modifications; to establish common technical or administrative rules for related departmental assistance programs; to create common or joint application processing and project supervision procedures—including establishing a single unit for handling these functions; and to develop common auditing, accounting, and fiscal reporting procedures to facilitate establishment of fiscal and program accountability with respect to joint projects approved by him.

In order to provide the means of cutting the red tape arising from the varying procedural requirements associated with individual assistance programs, the head of each Federal department and agency administering two or more such programs is authorized under Section 902(c) to adopt, subject to such regulations as may be promulgated by the President pursuant to Section 902(f), uniform provisions regarding inconsistent or conflicting agency requirements involving financial administration, the timing of Federal payments, whether assistance must be extended in the form of a grant or a contract, merit personnel systems (but only to the extent that a proposed joint project would cause these requirements to be applied to programs not otherwise subject to them), the accountability for or the disposition of property or structures acquired or constructed with Federal assistance, and other relevant administrative and technical items defined in regulations issued pursuant to subsection (f).

To develop the intradepartmental financial arrangements necessary for expediting joint projects, each head of a department and agency administering two or more Federal assistance programs is permitted under Section 902(d) to set up a single board or panel for the review of combined applications to his department; to prescribe rules and regulations for establishing joint management funds with respect to joint projects approved by him, so that the total amount approved for any project may be accounted for as if the funds had been derived from a single aid program or authorization; to establish uniform rules and regulations governing the fiscal reporting of projects financed through joint management funds; to have access, for the purpose of audit and examination, to relevant records and other data of recipient States and local governments relating to moneys received from joint management funds authorized by him; and to establish a single non-Federal share for any joint project authorized by him and covered in a joint management fund.

Section 902(e) permits such heads of departments and agencies, subject to such regulations as may be established pursuant to subsection (f), to enter into agreements with States to extend the benefits of joint projects and joint management funds to cover combined applications involving not only assistance from programs administered by his department but also from those administered by one or more State agencies. In most instances, such arrangements will be restricted primarily to those program areas where Federal assistance is normally channeled through the States.

Under Section 902(f), the President is authorized to prescribe such rules and regulations as he deems necessary to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental projects authorized by this section. While fewer administrative problems can be expected to arise in establishing meaningful departmental joint project programs than in the case of interdepartmental projects, energetic and consistent departmental efforts may not always be forthcoming—hence, the need for this section.

Interdepartmental demonstration joint projects

Section 903 extends selectively the benefits of joint projects and joint management funding on a government-wide basis. This is done in recognition of the administrative difficulties involved in this commendable but complex undertaking. Section 903(a) authorizes the President to approve on a demonstration basis combined applications for joint projects requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

Section 903(b) gives to the President with respect to interdepartmental projects authorities comparable to those assigned to heads of departments and agencies under Section 902(b), (c), (d), and (e). This is done in order to facilitate the development of the necessary capability in the Executive Office of the President for processing and administering interdepartmental joint projects and joint management funds.

Section 903(c) authorizes the President to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other departments and agencies of project or program approval authority insofar as it involves programs or classes of programs included in an interdepartmental joint project(s). Without this authority, it is doubtful whether the goals of this section can be achieved. Such rules and regulations may also call for the delegation to other Federal departments and agencies of powers relating to the supervision of Federal assistance programs. These rules and regulations are conditioned by the proviso that they must be appropriate to assure that the powers and functions delegated are utilized in full conformity with applicable statutory provisions or policies.

Section 903(d) is geared to permitting establishment of joint management funds on an interdepartmental basis. Accordingly, the President is authorized to make rules and regulations, not inconsistent with other applicable law, governing the setting up of joint management funds involving moneys derived from two or more Federal assistance programs administered by more than one Federal department or agency. These rules and regulations will assure that the necessary accounting, auditing, and other fiscal information will be made available to the departments involved, the Congress, and the Executive Office of the President. They also shall stipulate that any department or agency administering a joint fund shall be accountable for the total amount provided for the purposes of each account established in the fund and shall practice accounting and auditing policies consistent with new Title VII. Such rules and regulations may include procedures for determining on a periodic basis whether amounts in the account are in excess of those required, for returning that excess to participating agencies according to an equitable distribution formula, and for making returns to applicable appropriations, subject to fiscal year limitations.

Section 903(e) requires the President to submit annually to Congress a report evaluating the progress in accomplishing the purposes of this title. This report will be submitted every January beginning with the first January following the end of the first fiscal year after the effective date of this section.

Section 903(f) underscores the demonstration nature of this entire section. Consequently, individual interdepartmental joint projects initiated under its authority must

not exceed 100 in any one fiscal year nor exceed 250 during the three year life of this section.

The final subsection stipulates that this section will become effective 120 days following the date of enactment and will expire three years after it has become effective. Such expiration, however, shall not affect the administration of interdepartmental joint projects previously approved.

Funding and personnel availability

Section 904(a) is designed to help provide technical assistance to State and local governments involved in developing combined applications for joint projects. Under it, appropriations available to any Federal aid program for technical assistance or personnel training may be made available for the provision of such assistance in connection with joint projects involving that program and any other Federal aid program. In addition, the personnel of any Federal agency (pursuant to Section 904(b)) may be detailed from time to time, where necessary, to other agencies to assist in processing combined applications or in administering approved joint projects.

The authority of the Comptroller General of the United States

Section 905 states that the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of intradepartmental or interdepartmental joint projects relating to moneys received from joint management funds for the purpose of GAO audit and examination.

Effective date

Section 402 states that sections 902 and 903 of the Intergovernmental Cooperation Act of 1968, as added by section 401 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE V—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

Section 501 of this Act amends the Intergovernmental Cooperation Act of 1968 by adding a new subsection at the end of Section 601. This amendment is designed to strengthen Congressional review procedures for grants-in-aid enacted on or after January 3, 1971 and having termination provisions of three or more years. During the year preceding the date on which the program authority is to expire, the relevant substantive Committees of Congress, either separately or jointly, will conduct studies of the program and advise their respective Houses of their findings with special reference to the factors cited in Section 601(a) (1), (2), (3), and (4). The Committee report will be filed with the respective Houses not later than one hundred and twenty days before the program is slated to expire.

Section 502 amends Title VI of the Intergovernmental Cooperation Act of 1968 by adding two new sections following Section 603 and appropriately renumbering Section 604. The first of these new sections authorizes establishment of the position of review specialist on each standing committee of the Senate and House responsible for the review, study, and oversight of two or more assistance programs. This additional professional staff member will be selected and appointed by the Chairman of the standing committee with prior approval of the ranking minority member. He would serve on a permanent basis, without regard to political affiliation, and solely on the basis of professional competence. His basic assignment would be to assist the Committee in its performance of functions assigned by this title and he would be under the joint direction of the Chairman and the ranking minority member.

The second new section (Section 605) is geared to strengthening Executive Branch oversight wtih respect to Federal assistance programs. Under it, heads of Federal departments and agencies administering more than one program would submit annually a report to Congress and the President on the operations of these programs, beginning with the first fiscal year following the date of enactment. These departmental reports among other things would cover the progress and effectiveness of administrative efforts to carry out the programs' statutory goals; the consultative procedures utilized under each program to afford recipient governments a chance to review and comment on proposed administrative regulations and basic program changes; the various intradepartmental and interdepartmental arrangements for achieving proper headquarters-field program coordination; efforts to simplify and made more uniform application forms and procedures as well as fiscal reporting and auditing requirements; the feasibility of consolidating functionally related assistance programs; the practicability of delegating more administrative authority—including project or program approval power—to departmental field offices; whether the purpose, management, administrative procedures and requirements in such programs should be changed; and the degree to which such programs are meeting the growing and changing needs they were initially designed to support.

This new section (Section 605) concludes with the requirement that the President shall submit a summary report on these various departmental studies not later than January 31 of each year following the first fiscal year after the date of enactment. This report would be a synthesis of the materials presented in the various departmental studies and would stress the broad problems confronting grants-in-aid as effective government-wide devices for intergovernmental cooperation. Presidential proposals for reform might well be a concluding feature of this report.

ADDITIONAL COSPONSORS OF BILLS

S. 815

Mr. ELLENDER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of the bill (S. 815) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes.

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

S. 1790

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from Alabama (Mr. ALLEN), the Senator from Kentucky (Mr. COOK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Florida (Mr. HOLLAND), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Iowa (Mr. MILLER), the Senator from Georgia (Mr. TALMADGE), and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

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

AMENDMENT TO S. 338, TO PROVIDE ALLOWANCE INCREASES TO VETERANS ENGAGED IN ON-THE-JOB TRAINING, FARM TRAINING, AND VOCATIONAL REHABILITATION

AMENDMENT NO. 48

Mr. YARBOROUGH. Mr. President, on behalf of myself and the Senator from California (Mr. CRANSTON) I submit an amendment, intended to be proposed by us, jointly, to my bill, S. 338, and ask that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

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

AMENDMENT NO. 48

On page 1, between lines 2 and 3, insert the following:

That section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

" 'Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time	$160	$219	$255
Three-quarters time	116	160	189
Half time	80	109	124
Institutional on-farm, apprentice or other on-job training: Full time	138	182	219

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 355 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $7.30 per month for each dependent in excess of two.

On page 1, line 3, strike out "That" and insert in lieu thereof "Sec. 2."

On page 2, between lines 3 and 4 insert the following:

"(b) the last sentence of subsection (b) of section 1677 of such title is amended by striking out '$130' and inserting in lieu thereof '$190.'"

On page 2, line 4, strike out "(b)" and insert in lieu thereof "(c)".

On page 3, line 6 strike out "Sec. 2" and insert in lieu thereof "Sec. 3".

On page 3, in the table between lines 10 and 11, strike out the figures appearing under "Column V" and insert in lieu thereof the following:

"$15
$10
$7
$10".

On page 3, immediately above line 11, insert the following:

"(b) Section 1682(b) of title 38, United States Code, is amended by striking out "$130" and inserting in lieu thereof "$190".

"(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

"(d) The table (prescribing educational assistance allowance rates for eligible veterans pursuing a farm cooperative program) contained in paragraph (2) of section 1682 (d) of title 38, United States Code, is amended to read as follows:

"'Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full time	$153	$182	$211	$10
Three-quarter time	109	131	153	7
Half time	73	87	102	5.';"

"(e) The table (prescribing educational assistance allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683 (b) of title 38, United States Code, is amended to read as follows:

"'Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$116	$131	$146
Second 6 months	87	102	116
Third 6 months	58	73	87
Fourth and any succeeding 6 month periods	29	43	58.'"

"(f) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"'(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $190 per month if pursued on a full-time basis, (2) $140 per month if pursued on a three-quarter time basis, and (3) $90 per month if pursued on a half-time basis.'

"(g) Section 1732(b) of title 38, United States Code, is amended by striking out '$105' and inserting in lieu thereof '$155'.

"(h) Section 1742(a) of title 38, United States Code, is amended to read as follows:

"'(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $190 per month. If the charges for tuition and fees applicable to any such course are more than $59 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $59 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.20 that the special training allowance paid exceeds the basic monthly allowance.'"

On page 3, line 11, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

Amend the title so as to read: "To amend section 1677 of title 38, United States Code, relating to flight training, and to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters."

Mr. YARBOROUGH. Mr. President, the amendment provides for increases in allowances to veterans taking on-the-job training, vocational rehabilitation, and farm training. The increases are comparable to those provided in S. 338 for veterans taking high school and college courses under the GI bill.

Hearings begin on S. 338 today, before the Veterans Subcommittee. I call to the attention of witnesses that the amendment I am submitting today will also be part of the subject matter of the hearing.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on Labor and Public Welfare.

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:

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.

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years, vice Carl W. Feickert.

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.

Isaac George Hylton, of Virginia, to be U.S. marshal for the eastern district of Virginia for the term of 4 years, vice Forrest F. Walker, retired.

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 Tuesday, July 1, 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.

NOTICE OF HEARING ON COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1969 AND VACCINATION ASSISTANCE ACT OF 1969

Mr. YARBOROUGH. Mr. President, I announce that the Subcommittee on Health, of which I am chairman, will conduct hearings on S. 2264, the Communicable Disease Control Amendments of 1969, which I introduced, and S. 1622, the Vaccination Assistance Act of 1969, introduced by Senator EDWARD M. KENNEDY. The hearing will be held on Monday, June 30.

In January of this year, the preliminary findings of the national nutrition study, which sampled 1,000 preschool children in poverty areas of Texas, reported that:

First, nearly one-half had not completed the DPT series for protection against diphtheria, whooping cough, and tetanus;

Second, only 43 percent had been protected against polio;

Third, 56 percent had not received smallpox inoculation; and

Fourth, 61 percent had not received a measles injection.

Last year the Vaccination Assistance Act was allowed to lapse because the Department of Health, Education, and Welfare stated that the partnership for health program would be able to fill the need. The facts stated above prove this not to be the case.

Medical authorities point out that the immunization problem is susceptible to vigorous action. But if that action is to be effective, it is essential that we have national leadership and a national commitment to combat those communicable diseases that can be prevented or controlled.

When we have the medical knowledge to prevent illness, our only responsible course of action is to take the steps that are required to insure its applicaiton. In this case, the action that is required is the enactment of Federal assistance for the control of communicable diseases.

At a recent meeting of the National Tuberculosis and Respiratory Disease Association, Dr. John L. Gompertz, president of that association, sent me a telegram of endorsement for S. 2264. I ask unanimous consent that the telegram be printed in the RECORD at this point.

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

MAY 28, 1969.

Senator RALPH YARBOROUGH,
U.S. Senate Office Building,
Washington, D.C.:

The National Tuberculosis and Respiratory Disease Association was extremely gratified to receive at their annual meeting here the announcement of your introduction of S. 2264, authorizing communicable disease grants.

Our Board of Directors strongly endorses this legislation because it ensures support for financing of those control measures which will reduce the incidence of tuberculosis and other communicable diseases of national significance.

The Board also acclaims your leadership in sponsoring legislation to provide a National Lung Institute to focus necessary attention on the serious and increasing respiratory diseases, such as emphysema.

Thank you for your greetings and pledge of support.

JOHN L. GOMPERTZ, M.D.,
President, NTRDA.

THE 4¼-PERCENT INTEREST RATE CEILING ON LONG-TERM GOVERNMENT SECURITIES

Mr. KENNEDY. Mr. President, at the beginning of this month, 67 of the Nation's best-known economists joined in a major economic policy statement urging the elimination of the present 4¼-percent interest rate ceiling on long-term bonds of the United States. In their proposal, the economists emphasized that their proposal was not intended to be interpreted as urging the Treasury to sell long-term bonds at higher interest rates at this time. Indeed, as the statement makes clear, many—if not all—of the economists felt that such sales would be unwarranted in view of the prevailing

high level of interest rates at the present time. What the statement does propose, however, is that the Treasury should be given the authority to issue such bonds when conditions are appropriate, without being required to wait for the interest rate to fall below the present 4¼-percent ceiling.

I am pleased to endorse the recommendations of these economists. I believe they are especially appropriate at this time, when the Nation is engaged in a serious struggle to bring inflation under control. Just as artificially low tax rates on some types of income pull investment and manpower away from their best uses in a free market system, so the artificial restraint of the 4¼-percent interest rate ceiling on Government bonds distorts the pattern of Federal borrowing and forces the Treasury into highly liquid short-term debt, thereby making the job of controlling inflation all the more difficult. At the same time, the rate ceiling, which has been in effect since 1918, unfairly penalizes people of modest means who invest in U.S. savings bonds. Quite apart from this inequity—this penalty on patriotism—the artificially low ceiling makes the savings bond less effective in our fight against inflation. A 4¼-percent rate of return is simply not high enough to lure a large flow of dollars out of inflationary spending channels and into savings, especially when prices are rising at a rate of over 4 percent each year. I believe, therefore, that the 4¼-percent ceiling should be removed in order to insure sound and flexible anti-inflationary management of the public debt, and to provide greater fairness to the buyers of U.S. savings bonds.

Mr. President, I commend the statement issued by these economists to the Members of the Senate, and I ask unanimous consent that the statement and an accompanying press release be printed in the RECORD.

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

STATEMENT OF ECONOMISTS ON THE 4¼-PERCENT INTEREST CEILING ON U.S. GOVERNMENT SECURITIES

The undersigned join in the view that the 4¼% interest ceiling on U.S. Government securities now applicable to maturities of over 7 years should be repealed. This ceiling has been in effect since 1918. It contrasts with market yields for outstanding government bonds of over 6%. We all believe that arbitrary ceilings on prices and interest rates are inconsistent with the principles of a market economy. Our proposal in no way implies a view that the Treasury ought to sell long-term bonds at this time. Many if not all of us would regard this as distinctly inadvisable at present interest rate levels and at this particular time. The Treasury should be in a position, however, to issue long-term bonds when in its judgment this is appropriate, without having to wait until the interest rate falls below 4¼%.

In addition to these general reasons, each of us regards repeal as important at this time for some or all of the following reasons, although not each of us would subscribe to each point.

1. *Savings bonds.* The 4¼% ceiling prevents the Treasury from paying the holders of U.S. savings bonds a rate in line with what they could obtain from many savings institutions. This is harmful to the savings-bond program; but more than that, it is unfair to the many savings-bond holders who continue to buy bonds through payroll deduction.

2. *Home Financing.* The fear that a lengthening of the public debt, should it occur, would raise interest rates to homeowners is understandable, but not reliably founded. If the 4¼% ceiling was intended to give protection to competing borrowers, it probably has not served homeowners well. It has compelled the Treasury to concentrate its financing in the maturity range of up to 7 years. To the extent that this has pushed up rates on those maturities, it has given a special impulse to disintermediation, i.e., to the withdrawal of funds from savings institutions and their direct investment in marketable securities. To a saver seeking stability, these relatively short-term Treasury obligations probably are more attractive than would be a long-term bond. Since disintermediation hits housing particularly hard, the 4¼% ceiling may well have hurt rather than helped homeowners.

3. *Unstable Interest Rates.* The Joint Economic Committee of the Congress has recently urged the Federal Reserve to keep the growth rate of the money supply within certain upper and lower limits. Regardless of how one views the merit of this proposal, which many of us do not favor, its adoption would imply that, in the shorter and perhaps longer run, interest rates would be more unstable than they have been in the past. It would not be consistent, let alone economically feasible, to demand stable growth of the money supply and impose an interest rate ceiling at the same time.

4. *Monetary Policy.* The shortening maturity of the privately held public debt, from 5 years 9 months in mid 1965 to 4 years in 1969, has compelled the Treasury to enter the market with increasing frequency. On many of these occasions, the Federal Reserve has been called upon to stabilize the market. Regardless of one's view of this practice, which many of us do not favor, the danger exists that a predominantly short-term debt may interfere with monetary policy. This argues in favor of lengthening the average maturity.

5. *Budgetary Considerations.* Over the years, a lengthening of the public debt would have the desirable result of limiting fluctuations in the budgetary cost of interest on the public debt. One reason why the Federal interest burden has risen so sharply in recent years is the Treasury's concentration on short and medium-term financing made necessary at least in part by the 4¼% interest ceiling.

THE SIGNERS OF THE STATEMENT

Armen H. Alchian, George Leland Bach, William J. Baumol, Robert L. Bishop, Francis M. Boddy, William C. Brainard, Martin Bronfenbrenner, E. Cary Brown, O. H. Brownlee, Karl Brunner, James Buchanan, Lester V. Chandler, John M. Culberston, William G. Dewald, James Duesenberry, Otto Eckstein, David I. Fand.

William J. Fellner, Irwin Friend, Stephen M. Goldfeld, Robert A. Gordon, Leo Grebler, Harold M. Groves, John G. Gurley, Gottfried Haberler, George N. Halm, Alvin H. Hansen, Arnold Harberger, C. Lowell Harriss, Walter Heller, Donald D. Hester, Clifford Hildreth, Franklyn D. Holzman.

George Horwich, James Howell, Neil Jacoby, Harry G. Johnson, Peter B. Kenen, Lawrence Klein, Edwin Kuh, Abba P. Lerner, Fritz Machlup, Burton Malkiel, David Meiselman, Allan Meltzer, Raymond Mikesell, Hyman P. Minsky, Franco Modigliani, Richard Musgrave, Joseph A. Pechman.

George L. Perry, Edmund S. Phelps, Earl R. Rolph, Walter S. Salant, Paul Samuelson, Raymond Saulnier, Charles L. Schultze, Eli Shapiro, Carl S. Shoup, Dan Throop Smith, Warren L. Smith, Ezra Solomon, Harold M. Somers, James Tobin, Robert C. Turner, Henry Wallich, Murray Weidenbaum.

PRESS RELEASE ACCOMPANYING STATEMENT BY ECONOMISTS ON 4¼-PERCENT INTEREST CEILING

Complete elimination of the 4¼% interest ceiling on government bonds was advocated today by a group of 67 leading academic economists. The experts pointed out that the 4¼% ceiling, in effect since 1918, contrasted with yields on government bonds in the market of over 6%. They stressed that their proposal in no way implied that the Treasury should sell long term bonds at such rates and at this time. The experts insisted, however, that arbitrary ceilings on prices and interest rates were inconsistent with the principles of a market economy, and that the Treasury should be in a position to sell long term bonds when in its judgment this was appropriate.

The 67 economists listed several more specific reasons for repealing the 4¼% ceiling at this time, stressing that not each of them would subscribe to each point.

The 4¼% ceiling prevents the Treasury from paying holders of U.S. savings bonds a rate in line with what they could obtain from many savings institutions.

The 4¼% ceiling may have hurt homeowners, by compelling the Treasury to concentrate on short and medium term financing, which is more competitive with savings in thrift institutions. To the extent that funds were withdrawn from thrift institutions for the purchase of these Treasury securities, the institutions' ability to finance homeowners may have suffered.

Keeping the growth rate of the money supply more nearly stable, in accordance with a recent proposal by a Congressional Committee that is by no means supported by all of the experts, might in the short and perhaps the long run make interest rates more unstable. It would not be consistent to demand greater stability of money growth and simultaneously maintain a ceiling on interest rates.

Heavy short term debt, the experts also pointed out, compels the Treasury to finance frequently. During these financing periods, the Federal Reserve maintains the market on an "even keel," at some risk of having to increase the money supply unduly. Given this practice, which the experts do not necessarily endorse, a lesser frequency of Treasury financing would be desirable. This could be accomplished by lengthening the maturity structure of the debt through more long term financing.

Finally, a lengthening of the debt, it was pointed out, would make the budgetary cost of interest charges less unstable. Recent concentration on short and medium term financing made necessary by the 4¼% ceiling has contributed to the sharp rise in the Federal interest burden.

EDITORIAL TRIBUTE TO SENATOR SAM J. ERVIN, JR.

Mr. JORDAN of North Carolina. Mr. President, his hometown newspaper, the News Herald, of Morganton, N.C., for June 2, 1969, contained an editorial relating to my colleague, Senator SAM J. ERVIN, JR., entitled, "A Prophecy Proves Correct." I ask unanimous consent that a copy of this editorial be printed at this point in the body of the RECORD.

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

A PROPHECY PROVES CORRECT

The 1931 session of the North Carolina General Assembly has well been described as "a lengthy rough-and-tumble sessions."

It set a record for length—145 days—which

has since been surpassed, and was characterized by much wrangling.

There was much to talk about when members of that 1931 House of Representatives got together in Raleigh today for a reunion. Eighteen of the surviving 22 members of the House had agreed to attend.

Advance press reports list as a few of the members of that turbulent 1931 House are U.S. Senator Sam J. Ervin Jr., State Treasurer Edwin Gill, former Attorney General T. Wade Bruton, Floyd Crouse of Sparta, Fred I. Sutton of Kinston, Federal Judge Algernon L. Butler of Clinton, and Secretary of State Thad Eure who was the House's principal clerk.

Wade Lucas, now a retired newspaperman, covered what he describes as the 1931 "Depression-ridden gathering of lawmakers," and has engaged in a bit of reminiscing about the proceedings which included Governor O. Max Gardner's fight against a proposed sales tax.

What caught our eyes was this Lucas observation:

"Rep. (now U.S. Sen.) Sam Ervin of Burke County was one of the outstanding members of that 1931 House. Predictions were made then that he would eventually become a political power in North Carolina and even in the nation."

The prophecies proved correct. Sen. Ervin later became county judge, filled out an unexpired term in Congress, served as a Superior Court judge, an associate justice of the North Carolina Supreme Court before beginning his long tenure in the United States Senate.

And it's surprising how many people—representing all sections of the state—still volunteer the comment that it has been the nation's loss that he never was appointed to the United States Supreme Court.

INDIAN EDUCATION

Mr. GOLDWATER. Mr. President, contrary to what has generally been believed, not all Indian education in the United States has been or is being neglected. Each year, hundreds of new Indian students enter universities in Arizona. Many are now engaged in obtaining their master's degree, and it is interesting to know that three, one Navajo and two Hopis, are now within reach of receiving their doctorates. All three of these gentlemen are friends of mine and are also native Arizonans. An interesting story about them, published in the Phoenix Gazette, should be of interest to all Members of Congress, so I ask unanimous consent that it be printed in the RECORD.

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

THREE AIM TO BECOME STATE'S FIRST INDIANS WITH DOCTORATES

All signs point to three "firsts" in Indian higher education in Arizona.

If plans go according to schedule, Samuel W. Billison, 44, Navajo, and Frank Dukepoo, 26, and Irvin Coin, 28, Hopis, will become the first Indians in the state to receive educational doctorate degrees.

As the first Navajo within reach of a Ph. D, Billison, born to uneducated parents in a hogan near Ganado, symbolized the paradox of progress as he works on his dissertation on education administration at the University of Arizona.

Though his permanent home at Kinlichee, 4 miles north of Ganado, is not a hogan, it does not compare with the modern Tucson home where he lives with his wife Patsy and their four sons, 2 to 7.

Unlike reservation-reared Billison, Dukepoo is a native of Parker, the fourth oldest of 11 children born to Mr. and Mrs. Anthony Dukepoo, while Coin was born in Winslow, oldest of eight children of Mr. and Mrs. Felix Coin.

The Arizona State University graduate students, however, have not severed ties with relatives and friends on the Hop. Reservation. Both visit frequently, especially to attend religious ceremonies.

"My pet peeve during a previous teaching experience was that Indian children know little or nothing about their culture," Coin said of his 1963–65 years at Coolidge Elementary School. "Those Pimas and Papagos were scared or embarrassed almost to the point of being ashamed of being called Indians."

Coin, who has been a vocal and instrumental teacher at Temple's McClintock High School, hopes to help correct "this deplorable situation among Indian youth."

He anticipates working with minority students at Pima College in Tucson when it opens in the fall of 1970. The coming school year he will be on the faculty for institute activity.

"I've found my way and I plan to help my people as best I can with a doctorate in ethnomusicology," Coin related. Through application of this subject, which is the history of music associated with culture, he means to record authentic music of all Arizona tribes.

"It takes an Indian to get the real material," he said of the proposed enterprise he feels will counteract "recordings made by people from the East and Midwest who merely are acquiring and selling distortions."

Coin, who holds bachelor and master's degrees in music from ASU, is the son of the long-time director of the Santa Fe Indian Band. He credits his father for being "a wise man and never pushing any of his children, rather encouraging us to get some place and work hard."

His father, he added, helped with college financing when loans and scholarships were insufficient. One of his scholarships was in 1961 under the program established by Eugene C. Pulliam, publisher of Phoenix Newspapers, Inc.

"The family will get back of my brother, Edward, who is 15 and a freshman at Winslow High School," he said. "He's thinking of becoming a lawyer in order to help Indians."

Dukepoo, who obtained degrees at ASU on grants and scholarships, hopes to use his doctorate to teach on the college level. The zoology teacher and lab instructor at ASU credits his switch from predental study to genetics to Dr. Charles Woolf, the school's professor in that subject.

Both Hopis are married and Dukepoo is the father of Christine, 3. They say all children they have will be taught Hopi traditions just as they were and will become acquainted with reservation life.

For Billison, the road to graduate work has been long and hard, beginning at St. Michael's School on the reservation, where the son of Navajo Sam (his only name) emerged from the eighth grade as Sam Billison. His Indian name, phonetically spelled "Haash Kai Hald Yah," means warrior.

After graduation from Albuquerque Indian High School, he enlisted in the Marines in World War II, was trained as an interpreter and ended up in amphibious reconnaissance with the 5th Division.

In order to support his family and numerous needy relatives, he taught in Oklahoma and Texas, then used the GI bill to earn a bachelor's degree in history and government at East Central State College in Ada, Okla., and a master's in city school administration from the University of Oklahoma.

As he works on his dissertation, he holds down a job as a reservation counselor for the State of Arizona to help unemployed Indians. His wife is a U.S. Public Health Service secretary in Tucson.

Planning to enter the field of Indian education, first in Arizona and then the Southwest, Billison is adamant about the future of young tribesmen.

"Whatever is going to be done really will be through Indian initiative and not through 'red power'," he declared.

REMARKS OF PRESIDENT EDGAR F. SHANNON, JR., AT FOUNDER'S DAY EXERCISES AT THE UNIVERSITY OF VIRGINIA

Mr. ERVIN. Mr. President, on April 14, 1969, the University of Virginia celebrated its founding by Thomas Jefferson. On that occasion President Edgar F. Shannon, Jr., made some remarks which are worthy of the university's founder himself. He pointed out that American colleges and universities exist in order that their faculties and students may seek the truth through rational inquiry, and that orderly dissent is an incident of rational inquiry. He declared that:

Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent.

President Shannon's remarks were most timely, and deserve the widest possible dissemination. For this reason, I ask unanimous consent that they be printed at this point in the body of the RECORD.

There being no objection, the remarks were ordered printed, as follows:

Thomas Jefferson was a revolutionary. Yet as one of the chief architects of what Julian Boyd has called "the most radical and irreversible revolution in history," he derived his conceptions not from fervid emotionalism but from a disciplined mind enlightened by the heritage of Western thought. The American revolution was radical and irreversible "because its moral proposition included the transfer of soverignty from the hereditary ruler to the individual citizen." It was a revolution dedicated not to destruction but to the creation of a new order—"a new society based on the concept of the equality of man and governed by reason and justice." This, as Boyd has indicated, is the continuing revolution that we in this country must steadfastly seek to fulfill. This is an enduring revolution, never yet fully achieved, but to be pursued with work and hope and not to be abandoned in despair and irrationality.

Like the new country, the new university that Thomas Jefferson brought into being here 150 years ago was a daring innovation. It was founded as the first true university in North America, and Jefferson aimed his secular university to develop leaders for practical affairs and public service. Devoted, in his own words, to "the illimitable freedom of the human mind"—the phrase that we have taken as the theme of the Sesquicentennial—the University of Virginia was conceived as a means of affording full opportunity for a continuously evolving aristocracy of talent and intellect instead of one, as in the old world, based upon wealth or accidents of birth. This university then has been committed from the beginning to the undergirding propositions of the republic—the equality of man and governance by reason and justice.

Freedom to teach and to learn, to seek the truth through rational inquiry, are the hallmark, not only of the University of Virginia, but generally of American colleges and universities. Through this freedom and truth have come the primary benefits to society. Now this freedom, often under attack from outside the universities, is currently being endangered by irrationality, even coercion and force from within the uiversities themselves. A minority, espousing methods that are the antithesis of the idea of a university, seem dedicated to the destruction of our so-

ciety and appear to have marked the universities as their first targets of a campaign for chaos.

The basic principles of the University of Virginia were never more pertinent to our society than they are today. Jefferson spoke somewhat grandly of the University of Virginia as intended to be "the chief bulwark of the human mind in this hemisphere." Usually we have thought of this metaphor in the context of external forces, but never before in American higher education was there greater opportunity for the University of Virginia, along with all institutions of higher learning, to be an inner bulwark for the defense of freedom and liberty in our society.

Here at the University, in Mr. Jefferson's words, "we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." He would be the first to support our protection of orderly dissent. He would no doubt share the frustration that many of us feel over the realization that advanced societies now have the knowledge and technical means to solve the problems of poverty, health, and education but thus far have failed to do so. Yet he would be concerned, as we in this university must be, that reason remain the means by which we combat apparent error. Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent. And dissent itself must not be so strident as to become a purely negative force that will rend the fabric of our institution and destroy our bright prospects for united and constructive effort.

This afternoon we honor Mr. Jefferson by honoring those among our faculty, students, and alumni who have excelled in developing the mind. We celebrate both those who by rational processes are qualifying themselves to take a leading part in "the continuing revolution" through orderly change, and those who have already been notable participants in the struggle to improve the condition of man. It is our privilege to salute those who have demonstrated in the words carved over our gateway—"the will to work for men."

THE PRIVATE SECTOR FIGHTS CRIME

Mr. PERCY. Mr. President, it is axiomatic that the fight against organized crime can not succeed without the involvement of the private sector. The problem is too pervasive to be dealt with solely by the Federal, State, and local governments. My work through the years with four outstanding civic organizations, the Better Government Association, the Chicago Crime Commission, The Chicago Association of Commerce and Industry and the Illinois State Chamber of Commerce has convinced me of this.

A private organization that is actively and directly involved in the war against crime is the U.S. Chamber of Commerce. The National Chamber is particularly well equipped to make a singular contribution in this vital area. At the local level, it has some 3,800 organization members, and 35,000 business members. These organizations are joined together by a federation which is united by the leadership of the U.S. Chamber of Commerce in Washington. Because its structure is community oriented, the National Chamber has the capability of rendering tremendous functional assistance in the areas of local crime prevention and crime control.

In Illinois, for example, approximately 3 years ago the Illinois State Chamber of Commerce started a respect for law and order program. Since that time, over 60 local law and order committees have been organized by Chambers of Commerce throughout the State, and many excellent crime prevention and crime control programs have established.

The latest program to come to my attention is the crime check program sponsored by the Greater Alton Association of Commerce, as part of a nationwide campaign to encourage citizens to support appropriate police activities and to help in detecting and preventing crime. Its primary goals are to teach individuals how to recognize questionable activities, and to encourage them to quickly report their observations to the proper authorities.

Crime check has received full support from the Greater Alton community. Not only has the area been blanketed with billboards, posters, and sidewalk stencils, crime check programs have been presented at local business, civic clubs, schools, and church organization meetings. In fact, all indications are that crime check is the most popular program to be undertaken by the Greater Alton community in recent years.

Crime check has been in operation for slightly over 2 months now, and already the program is bearing fruit. The citizens of the Alton area have a greater respect for the police, an increased awareness of suspicious situations, and are more capable of preventing crime by placing timely calls to attentive officials. The seven communities in the neighboring Wood River Township area are interested in crime check, and have asked officials from the Greater Alton Association of Commerce for assistance in establishing similar programs in the township area. In addition, 18 chiefs of police from nearby Madison and St. Clair Counties have met with members of the Greater Alton Association to gain guidance on how to foster the same kind of community wide participation in their cities.

I commend the citizens of Greater Alton for their public awareness and cooperative ingenuity in taking a significant step toward the ultimate eradication of a major social concern. I hope that the enthusiasm with which this admirable example was set will stimulate more communities to the realization that crime has become everybody's problem, a problem that requires a total effort to affect a solution.

INCREASE OF AIR TRAFFIC AT DULLES AIRPORT

Mr. BYRD of Virginia. Mr. President, as I pointed out before the Senate recently, there are some very encouraging signs that air traffic is on the increase at Dulles International Airport.

To best demonstrate what is happening at Dulles in the realization of its great potential, let me cite what has been accomplished and what is planned for in the future by one of the major carriers operating there—Pan American World Airways.

During 1963, Pan Am commenced its services into Dulles with only 471 flights, carrying approximately 10,000 passengers and 200 tons of air cargo and mail. At that time, just 24 employees were needed to do the job.

Last year, 1968, to keep up with the growing demand, Pan Am was required to operate over 3,000 flights, carrying nearly 70,000 passengers and 2,000 tons of cargo and mail. Its employee roster reached 144.

This June, its services are again to be expanded by 50 percent. These will include a daily service to the Virgin Islands, increase of Pan Am's now four-a-week service to Paris to daily flights, inauguration of three times weekly service to Guatemala and additional nonstop air freight to Europe.

By this year's end, 3,800 flights, 90,000 passengers and over 3,000 tons of cargo and mail will be carried through Dulles. This goal will be accomplished by 170 employees.

I hope all airlines will increase their use of Dulles. Looking ahead, we can say that for this great airport, the sky's the limit.

THE MEXICAN-AMERICAN

Mr. GOLDWATER. Mr. President, on May 21 an editorial, printed in Spanish, appeared in El Mexicano, published in Mexicali, Baja Calif. I have had it translated for the purpose of placing it in the RECORD. The title of the editorial, "The Great Farce," says in three words what most westerners feel about the efforts being made to ignite a feeling among Mexican-Americans against all other Americans.

I have lived my life on the border, I know these people, and I have tremendous affection for them. Therefore, it disturbs me greatly when I see eastern politicians moving along the border, trying to tell these people that they are another minority in the United States who are not being treated right.

The Mexican-American that I know is proud of his citizenship in the United States. He and his forefathers moved to this country because they wanted to; they were not driven to that decision. They have taken their places in our communities, and there has been no restriction as to the heights they can go up the ladder of American success.

They have served as politicians at every level from the lowest to the Halls of Congress, and they have served in the business and professional community likewise at all levels. I would like Senators to know that the people who live in Mexico are well aware of what is being done, particularly in California, among the so-called grape worker. I ask unanimous consent that the translation of the editorial be printed in the RECORD.

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

MEXICO WARNS CITIZENS

"The Great Farce" is the title of this editorial printed May 21, 1969, in El Mexicano, published in Mexicali, B.C., the Mexican city across the border from Calexico where the recent "grape worker" march ended. The story is signed by Crostobal Garcilazo and the following is a translation:

The great sayings have been said. This "march to the frontier" was nothing but a vulgar political "farce" in which the tragedy of our farm workers was only the bait

to trap unwary people and broaden a demonstration of the Democratic Party.

There is one detail that should not escape the observer: while this Cesar Chavez, who organized this march and could not "for reasons of health" march with our fellow-countrymen who faced the desert and the sun, did not use the same reasons to stop him from appearing at the carnival in Calexico next to Senator Ted Kennedy, whose party sponsored the unsuccessful farce that, at the very least, served only as a pretext to make rude attacks against the Republican Party that governs the United States.

The main charges Ted Kennedy made against his country were "the expenditure of billions of dollars in space flights and to maintain a foolish war in South Asia." (These charges) which were heard by only a few people who were at the farce, must also have been heard by his dead brother, ex-President John Kennedy, the sponsor of both American space exploration and his country's mediation in Viet Nam.

But that is the way of politics and politicians now. The only missing thing, as Cesar Chavez himself announced, is the establishment of worker vigils (pickets) around Coachella's vineyards to prevent the Mexican "green carders" from going into these vineyards to earn a living—all of this in behalf of racial "brotherhood."

This "brotherly" treatment of our unemployed workers by the strikers is unfair because those (strikers) are being paid by the Democratic Party and they need nothing but work. At the same time, our (Mexican) laborers without work are in need of all things and have neither Mexican nor American political parties to give them even the money they need to keep their families alive.

To denounce these facts and tell the truth about the events we have just witnessed, and to unmask this great farce, our paper has spoken out against the faltering voice of the group called "The Mexicali Committee of Friends of California Workers" and warned the regional leaders that before supporting the leaders of the demonstration in favor of the strike against the grape growers of Coachella, they should investigate the leaders' honesty to see whether it was proper for the Mexican workers to give support to this movement.

As we have said in this publication before, "Seven or eight thousand families depend economically on the (Mexican) citizens that have the document known as 'the green card' that permits them to work in the United States. They are an important economic factor in our community."

In view of what has gone before, this political "farce" sponsored by Cesar Chavez sought only to have considerable effect on the interests of Mexicali. All this in the name of "brotherhood" and by taking advantage of Mexicali citizens who can't see very far.

(Four days before this editorial appeared and during the "grape worker" march to Calexico, Mexico President Gustavo Diaz and Secretary of Interior Luis Echeverria, issued a warning to Mexican citizens not to get mixed up in California's grape worker problems.

"In relation to the unrest on the other side of the border, the Baza California state government and the (Mexican) immigration services offices have persuaded Mexican workers not to take part in unseemly acts, which Mexicans should not participate in outside their own territory," said Echiverria.

In reporting this statement by top Mexican government official, Associated Press said it was clear Mexico didn't want her citizens mixed up in the California grape strike or border march.)

MISSILES AND ANTIMISSILES

Mr. GORE. Mr. President, the distinguished chairman of the Committee on Foreign Relations has written an article entitled "Foreign Policy Implications of the ABM Debate" which appears in the June 1969 issue of the Bulletin of the Atomic Scientists. I commend the article to the attention of my colleagues, and to all readers of the CONGRESSIONAL RECORD interested in this most important subject, and I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

Chairman FULBRIGHT discusses the implications of this decision on our relations with the Soviet Union, the public relations efforts of the administration in promoting public support for Safeguard, the selective declassification of military information by the administration and the relationship between the deployment of Safeguard and the deadly competition known as the arms race.

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

[From the Bulletin of the Atomic Scientists, June 1969]

MISSILES AND ANTIMISSILES—SIX VIEWS

(By J. W. FULBRIGHT)

(NOTE.—U.S. Senate debate on the Nuclear Non-Proliferation Treaty raised foreign policy questions about antiballistic missile deployment. In this analysis, written for the "Bulletin," the chairman of the Senate Foreign Relations Committee analyzes the foreign policy implications of President Nixon's "Safeguard" proposal.)

On the subject of the proposed deployment of an ABM system, it would be presumptuous for a politician to accept an invitation to write an article for a prestigious scientific journal and predicate it on the proposition that the ABM won't work—or that it will work, for that matter. I must leave to the scientists a very important factor in the current debate, the factor of the reliability of missiles and their capacity to perform as predicted. I confess, however, that as a frequent, unwitting victim of mechanical gadgets that don't work, I have some of the skepticism of the North Dakota farmer who, having observed three Minuteman test failures in a row, commented that there always seems to be a wet fuse somewhere.

My principal concern—and I believe it is a legitimate concern of all Americans and Members of Congress—is with the foreign policy significance and the domestic political aspects of the deployment of any ABM system at this time.

From the point of view of foreign policy, moving ahead now with the ABM system, modified or otherwise, has serious implications for our relations with the Soviet Union—the only nation capable of decimating us by external attack. From the point of view of domestic politics, potential expenditures for an ABM system imperil our nation from within by giving priority to military spending rather than to spending to make our domestic society worth saving. Societies are as capable of being destroyed from within as from without.

CHINESE VERSUS SOVIET THREAT

Aside from debate as to the scientific and engineering aspects of the ABM deployment, much of the discussion in the Senate has been directed at the foreign policy implications of what we are up to. Last year a number of Senators under the leadership of Senator Cooper of Kentucky unsuccessfully challenged the Johnson administration and the Armed Services Committees of the Congress on the rationale for deployment of an ABM system directed against a potential Chinese threat. This year, the administration rationale has been changed to focus on an alleged Soviet threat, and the threat itself is viewed not as a threat to cities, but as a threat to our missile sites.

While the ease and speed with which the rationale has been changed has given rise to doubts about both past and present judgments of the threats the ABM is supposed to counter, it was the debate this year on the Nuclear Non-Proliferation Treaty which triggered new questions as to the implications of the proposed ABM system.

Article VI of that Treaty commits the signatories "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." In support of that proposition, President Nixon on February 5 stated that "ratification of the Treaty at this time would advance this administration's policy of negotiation rather than confrontation with the USSR." He thus endorsed former President Johnson's pledge of the previous June that pursuant to the terms of the Treaty the United States would "promptly and vigorously pursue negotiations on effective measures to halt the nuclear arms race and to reduce existing nuclear arsenals."

It is a matter of common knowledge that the Russians have for some months now sought to begin bilateral discussions on the deployment of strategic missile systems. We have delayed our response for sundry reasons, although recently Secretary of State Rogers said that the new administration will begin negotiations as soon as the necessary background work has been completed, hopefully in late spring or early summer.

What concerns me is that at the moment in history when the two major nuclear powers have agreed to negotiate in good faith on effective measures to halt the nuclear arms race, the United States is proceeding full speed ahead to deploy a new system of nuclear missiles which cannot but be viewed by suspicious Russians as a nuclear escalation: after all, it was the GALOSH system around one city in Russia that provoked our development of MIRV (Multiple Independently Targeted Reentry Vehicles). The Committee on Foreign Relations, in its report on the Non-Proliferation Treaty, expressed its concern as follows: "The Committee believes that the administration should consider deferring the deployment of these weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union." This bit of advice has fallen on deaf ears, as the President has since said that he expects to push the Safeguard system now.

ABM HUCKSTERING

In the light of this history, and this treaty commitment, I have been disturbed at administration plans—after a superficial review—to proceed with a so-called "modified" ABM system, renamed in classic Madison Avenue style, as "Safeguard" rather than "Sentinel," and designed to provide, in the words of Secretary Laird, "people protection," and to become, also in his words, a "building block for peace." Fortunately Senators are becoming familiar with public relations techniques, and I suspect the American public is not confused by such huckstering. However, there is danger that people may believe that the month-long Packard review of the Sentinel system, which gave rise to the Safeguard system, was a fresh look and justifies unquestioning support of the new plan.

I am not that sanguine. One certainly feels more comfortable relying on some kind of blue-ribbon examination of great issues. But the evidence is skimpy that the Packard review was thorough, in depth, and fresh.

I have no way of knowing with certainty, but when I asked Under Secretary of Defense Packard about the nature of, and personnel involved in, his review of the ABM system, I was not impressed. He said, "The review utilized the full staff of the Defense Department, and those people that the Department had utilized for scientific evalua-

tion." When I asked repeatedly for names of competent scientists or engineers involved in the review, Mr. Packard finally named Dr. Panofsky, of Stanford, as one he had consulted outside the Department of Defense. Dr. W. K. H. Panofsky later confirmed that he had met Secretary Packard accidentally in the San Francisco airport. He stated 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." ("Hearings," page 327.) It turned out that Dr. Panofsky had many serious questions about the Safeguard system. But then perhaps Dr. Panofsky's view was not important. He described himself as essentially an engineer and as Secretary Packard testified, he was "convinced that all these scientific matters have been checked out by competent scientists . . ." and that "in looking at this problem . . . I again concluded that this is an engineering problem; there were no uncertain scientific aspects involved."

Incidentally, readers interested in the scientific, engineering and political testimony taken by the Gore Subcommittee may obtain copies on request from the Committee on Foreign Relations. I can assure them that the Subcommittee did receive testimony from bona fide scientists raising questions regarding scientific aspects of the ABM system. So far as the Department of Defense receiving such advice, however, I note that subsequent to the hearings when Dr. Panofsky's name was mentioned, the Gore Subcommittee did receive two lists of scientists and engineers consulted by Dr. John S. Foster, Jr. on the ABM. One list included members of the Defense Science Board; the other listed members of the President's Scientific Advisory Council (PSAC) who were present at a discussion of the ABM with Dr. Foster. The only trouble with the PSAC list was that the meeting referred to took place on March 17, three days after the President had announced his decision to proceed with the Safeguard system.

POLICY INERTIA

I had hoped that one of the happy consequences of a new administration taking power in the Executive Branch of our government would be that there might be re-examination of some of the policies of the past which I believe have injured the nation in its external relations. Thus far, I regret to note, there is little evidence in the field of foreign policy that we are doing much more than carrying on. I appreciate the need for continuity, but the bureaucracy is so wedded to continuity that it is difficult to re-examine old policies and move in new directions.

The fact is that the few new political appointees at the top of great Departments like those of Defense and State must rely on the same old pros with all their experience, but also with all their built-in prejudicies and commitments to past decisions.

Departing for a moment from the ABM issue, I note, for example, that the principal political negotiator for a renewed base agreement with Spain is the man who negotiated the last agreement in 1963. The military assessments of the need for these bases continue much the same as they were 15 years ago at the time of Stalin, and reliance on the strategic air force rather than intercontinental missiles.

Once a policy gets momentum, it takes Herculean efforts, or disaster, to stop it. I suspect we would still be flying U–2s over Russia but for the shooting down of Gary Powers at a critical moment in U.S.-Soviet relations. Even policies which result in unnecessary or dangerous operations are hard to review.

Not only is it difficult for the bureaucracy to bring new ideas and approaches to policy, but there is a tendency for the average citizen, when confronted with great problems of war and peace, to take refuge from responsibility by accepting the judgment of someone else. After all, "the President knows best; he has all the facts; I will support his position."

The problem in accepting without question the decision of the President on a subject such as the deployment of the Safeguard system is that the Constitution requires Presidential action on such subjects as the ABM deployment to be treated as recommendations to the Congress, and the Congress must in the final analysis, and considering the constituency, accept or reject the President's recommendation.

A policy of reassessment is now going on with respect to the ABM and in due course the Congress will accept, or reject, the President's proposal that funds be authorized for taking first steps in deployment of the safeguard system.

POSSIBLE DEFEAT

I still have hope that the President will opt for a moratorium on Safeguard deployment before he proceeds further with the Safeguard system. There would then be opportunity to explore with the Russians the possibility of bringing the nuclear arms race under control. Furthermore, I do not like to see Presidential proposals defeated in the Senate, but that is a very real possibility on the ABM issue. One reason is that in recent months, largely as a result of the Vietnam war, the American people are beginning to ask themselves some hard questions. They are not quite as willing as a few years ago to accept "command decisions" or to view as infallible the judgments of our professional military leaders.

An Associated Press dispatch from Knoxville, Tennessee, illustrates another point—the selective de-classification of military information for a purpose. The story quotes the Chairman of the Foreign Relations Subcommittee on Disarmament, Senator Albert Gore, as charging "the Nixon administration with holding members of Congress to secrecy concerning classified military information and then making the same information public."

Senator Gore was referring to the disclosure in President Nixon's press conference of April 18, that "the United States is capable of 'reading' radar pictures of another country from miles away." Yet it was this very tidbit of highly secret information which had been given to the Committee on Foreign Relations only one day before under the admonition that its classification was so high that the top-secret, cleared, verbatim stenotypist could not take down the testimony!

READ BETWEEN LINES

What has happened is that the Executive Branch of the government shows a propensity for declassifying secret information to suit its own purposes. This has happened with respect to information about Soviet deployment of the SS–9.

I make this point because I believe it essential that citizens read between the lines of testimony of our officials, realizing that they may be wrong, that they may have been misinformed, that they may consciously or unconsciously have failed to state the relevant facts.

Thus it was when Secretary Laird told the Committee on Foreign Relations on Friday, March 21, 1969 that the Soviets with their large tonnage of nuclear weapons "are going for a first-strike capability. There is no question about that." ("Hearings," page 196.) When I questioned the Secretary on this point he said: "The development and the current deployment of the SS–9 . . . leads me to the conclusion that with their big warhead and the testing that is going forward in the Soviet Union, . . . this weapon can only be aimed at the destruction of our retaliatory forces . . ." ("Hearings," page 203.)

The fact of the matter is, however, as Secretary Laird and the administration later admitted, the Secretary was only speaking of "capability," not intent. And even on the point of the potential "capability" of the Soviet Union to launch a first strike, the administration had no new evidence. For at least two years, the Committee on Foreign Relations has received highly classified information about Soviet development of the SS–9 which heretofore and prior to Mr. Laird's unilateral de-classification, has been described as a terror weapon incapable of precise guidance and targeted on cities in order to serve as a second-strike terror weapon.

I return to my principal point: that decisions of the significance of that now before the American people with respect to commitments to build the Safeguard system must be rendered by individuals capable of political as well as military judgments. For too long we have assumed that military judgments are of such magnitude and specialized nature that ordinary mortals cannot pass upon them.

I have a sneaking suspicion that not a war has been fought but what the generals of the losing side were confident to the last few minutes that just a little more power could bring the other side to its knees. But half the time, half of the generals have been wrong. And as we well know, no military man worth his salt has ever said, "We have enough, cut the budget."

OVER 2,000 WARHEADS

My point on the ABM—or on the deployment of strategic nuclear weapons—is that someone must start somewhere.

Uncontradicted testimony received by the Committee on Foreign Relations shows conclusively that 250 nuclear warheads, allowing five for each city, would be sufficient to destroy the 50 largest cities in the Soviet Union with a population of 49 million, or to destroy the 50 largest cities in the United States with a population of 39 million. The United States has presently deployed not 250 targetable strategic warheads, but over 2,000. The Soviet Union has over 1,000 such weapons. Put another way, the United States is capable of directing 48 strategic warheads to each of the 50 largest cities in the Soviet Union, and the Soviet Union can direct 22 such warheads at each of our 50 largest cities.

How much is enough? Who acts first?

As if strategic nuclear weapons were not enough, both the United States and the Soviet Union have large military budgets concentrated on chemical and biological warfare. Tightly controlled chemical and bioloigcal warfare experiments in the United States only last year managed to kill by accident some 6,000 sheep at the Dugway Proving Grounds in Utah. One wonders what we could have done to people had we tried, instead of having only a small accident.

LAST CHANCE DOCTRINE

The mad momentum of developing better means of destroying life goes on. No head of state, or society, seems capable of putting on the brakes. We can't even lift the foot off the accelerator. It is as if we were in a drag race headed for a stone wall with the accelerator stuck. Even the teen-agers of whom we adults have been critical for so long have foresworn the old game of "chicken"; but not us realists!

I had hoped—indeed, I still hope—that with a new administration in Washington this nation might seek some new paths to rationalize our international relations. A small step would be for our new President to delay deployment of an ABM system for a few months while sounding out our principle adversary which, I assume, has an interest in survival as we do.

There is in the law a doctrine of negligence, the details of which I have long since forgotten. It is the doctrine of the "last clear chance." It was once designated as the "humanitarian doctrine" and, at the risk of being branded a bad lawyer, I would restate the doctrine as follows: Even though a per-

son be wronged by the carelessness or negligence of another, he has a duty to do what he can to avoid an accident.

I am inclined to believe that the Soviet Union and the United States are coming close to the point of no return unless one or the other makes a clear move toward avoiding the clash which will destroy us both. The ABM issue offers what may be the last clear chance.

RUSSIA TURNS BACK THE CLOCK

Mr. JACKSON. Mr. President, I have long held that in trying to reach sound judgments on issues of national safety and survival it is essential to "know your opponent." These days I am struck by the reluctance of many Americans to face up to what is actually going on in the Soviet Union.

In this connection, on June 18 I placed in the RECORD the first five articles in a series of 10 by Anatole Shub on the theme "Russia Turns Back the Clock," and wish now to call to the attention of Senators the five final articles in that series.

I recommend Mr. Shub's articles as a realistic and up-to-date interpretation of the Soviet adversary.

On June 21 the Washington Post published the following story on Soviet reaction to these articles:

SHUB STORIES STIR THREAT BY RUSSIA

The Soviet Union yesterday told the United States that it would be compelled to close the Moscow bureau of The Washington Post if the paper continued to publish a series of articles by Anatole Shub.

Alexander D. Yevstafyev, press counsellor at the Soviet Embassy, called on Adolph Dubs, acting director of the State Department's Office of the Soviet Union, and characterized the series of articles, written by Shub after he was expelled from Russia on May 28, as "filthy attacks."

According to a State Department spokesman, Dubs rejected the description out of hand and told the Soviet official that Shub was an independent journalist and The Washington Post an independent newspaper. Dubs then asked Yevstafyev why he had not complained directly to The Washington Post but got no answer.

The ten-article series will conclude on Sunday.

Shub, expelled from Russia for alleged anti-Soviet writings, was given 48 hours to leave the country, in retaliation, the United States expelled a Tass correspondent on the same terms.

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

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

[From the Washington Post, June 18, 1969]

RUSSIA TURNS BACK THE CLOCK—SOVIET SHOPS: VODKA, NO MEAT

(By Anatole Shub)

The morning before the Soviet May Day weekend, with Moscow shops about to close down for four days, several hundred Russian housewives and husbands determinedly clustered around a counter at the showplace "supermarket" on glass-fronts Kalinin Prospect. Weary sales girls ignored them.

"Tovarishchi," a woman's voice blared over the public address systems. "There is no more chicken. No more chicken. I repeat, there is no more chicken, comrades."

The crowd just stood there—some probably because they had nowhere else to go, others perhaps because they thought the announcement was a trick.

The same morning, in the Valuta Gastronom, or Dollar Grocery, for foreigners and others possessing hard currency, there was no meat at all. They had also run out of eggs.

"What are we supposed to do all weekend?" A Western housewife asked. "There's plenty of vodka," a dour salesman replied.

That afternoon, we walked along Kutzovsky Prospect near the apartment house in which Premier Kosygin, the lifelong consumer good specialist and reputed economic reformer, is said to live. We stopped at a large brightly colored stand, glass fronted and roofed with corrugated metal which proclaimed in cheerful lettering: "Fruits and vegetables."

There were some small apples and fresh carrots. The rest of the stand was occupied by canned foods, most of them from Bulgaria and other Soviet satellite states. (The Satellites export mostly low-quality produce to the Soviet Union. The rest goes West because, as a Bulgarian tomato picker once put it, "The Germans pay us, the Russians don't").

A pint can of cooked pears from Hungary, which had to be recooked to be edible, cost 1.05 rubles. The average Soviet wage is less than 30 rubles a week—worth $33 at the official rate of exchange, but closer to $7 judging both from currency speculators and the difference in consumer prices between the Valuta shops and normal Soviet shops. Fresh tomatoes last winter cost five rubles a pound, when available, at the collective-farm markets.

Yet the trouble last May Day in Moscow where the Soviet ruling class is concentrated, was not lack of money, there was just nothing to buy. A Soviet acquaintance was quick to explain the "temporary" shortages. "It's only because all the out-of-towners are thronging into Moscow for food," she said.

Three weeks later, apart from the Dollar Shop (and, probably, the special stores for high party, KGB and army chiefs), there was still virtually no meat in Moscow. Politburo agricultural specialist Dmitri Polyansky and other Party leaders had meanwhile been touring collective farms and canneries, urging another "storm" campaign to increase food production.

"Moral" rather than "material" incentives were offered—incentives like the great all-Union "Subbotnik," or voluntary Saturday, last April in which the whole country worked a day without any wages, out of sheer, "spontaneous" love of the Communist system.

At about the same time, the Soviet press, radio and television were exalting the glories of two rockets, Venus-5 and Venus-6, which (although the press did not say so) were repeating the achievements of other Venus shots years ago. The new Venus rockets were timed to compete with Apollo 10, which was signaling the impending American victory in the race to the moon—a race to which Kremlin blusterers challenged the United States in 1957, but which Soviet journalists were instructed to forget more than three years ago.

Outside our kitchen window, meanwhile, desultory construction gangs, male and female, who had been working—on and off—on a cooperative apartment house for two years, seemed nearly about to complete the exterior of the ground floor.

Nearly five years after the advent of Brezhnev and Kosygin, the Soviet economy remains an incredible mess, which is only partly concealed by Venus shots and similar bluffs which often take in even the most skeptical observers.

DIFFERENCE SINCE 1963

In September 1963, an earthquake shattered Skopje in Yugoslavia, I was impressed by two huge crane-like machines, guarded by Soviet soldiers, which Khrushchev had "personally" donated to help demolish the rubble.

Four years later in Uzbekistan, I watched official films of the 1966 Tashkent earthquake and demolition effort. Not a single one of the towering cranes so impressively dispensed to Skopje was to be seen. Nor were there any bulldozers. Instead, ruined buildings were being demolished by army tanks.

Nevertheless, I was moderately impressed by the exteriors of the new apartment houses (we were not permitted to go inside)—until an elderly woman passing our official party shouted, "Why don't they tell you there are no lights at night?"

"PUBLICITY" TEA BAGS

In Tbilisi in April 1968, the director of one of the Soviet Union's major tea factories showed us some sample tea bags. Asked where such tea bags might be bought in Moscow, he admitted they were "just for publicity."

He also proudly noted that tea consumption in Russia had increased from 50,000 to 65,000 tons since the revolution. Reminded that the Soviet population had meanwhile doubled, so that by his own figures the average Russian was drinking less tea than in 1913, this technocrat lamely avowed that this was because of a mass switch to coffee. Nobody who has read the food scenes in pre-revolutionary literature, or tried the coffee in a typical Soviet *Stolovoya* (cafeteria), would believe that.

It is pathetically easy for foreigners, solely on guided showplace tours, to assemble dozens of such experiences, and to laugh at the Soviet economy. Resident foreigners in Moscow and the privileged Valuta stores annually import several millions of dollars worth of consumer necessities from Copenhagen, Helsinki and elsewhere.

For the tourist, there is still practically nothing Russian worth buying except the traditional vodka, caviar (unavailable for rubles, prices recently doubled) and furs (pelts only—Soviet Socialism cannot make a decent coat.)

SOME IMPROVEMENT

It is customary and polite for foreigners to report that, "at least," Soviet living conditions have improved—and indeed they have since the famine winter of 1946–47 when Muscovites ate cardboard while dogs and cats disappeared from the streets.

The improvement has been minimal, however, compared with equally war-ravaged West Germany, or even Yugoslavia. Before the "Great October Socialist Revolution," however, admittedly backward Russia fed half of Europe, Faberege in St. Petersburg was world famous, and as Svetlana Alliluyeva quietly noted her father met her mother in 1917 in her worker-revolutionary grandfather's seven-room apartment. Russians also used to be a tall people, like the Swedes, and Montenegrins, before Communists began their agricultural experiments.

The Soviet living standard is no laughing matter for Soviet citizens, who must live with the reality behind the bluff contrived mainly for gullible foreigners. Of all their economic troubles, none is so depressing and frustrating as the housing situation. Stalin's heirs have in fact made considerable efforts, compared with those of their master.

HOUSING PLANS LAG

Yet, on the most optimistic projection of Soviet plans, the housing space per person in 1990 will still be less than that available to the Imperial subject of 1909. It should be added that Soviet housing plans have not been fulfilled for 14 consecutive years.

A majority of Russian city dwellers still lack even cold running water, while less than a third of urban dwellings contain a bath or shower. (This explains why, as my wife observed, the girl who stands out in a restaurant or theater audience is invariably the one who has recently washed her hair.)

The permanent housing crisis has drastically lowered the birth rate in Soviet cities—mainly through abstinence or frequent abortions (contraception means are not readily available).

On the farms, meanwhile, and among the

Moslems of central Asia, the policy is "let them grow." Two results are that nearly half the Soviet population (although mainly old people and women) are still on the farms, while before very long a majority of the Soviet population will be non-Russian.

WOMEN WORKERS

Women are "guaranteed the right to work" in the Soviet Union, and since Stalin's time have had to do so simply to make ends meet.

They are still working as hod carriers, street cleaners, housepainters, in heavy and light industry as well as the professions.

After finishing their work, they must face the chaos of shopping, although one reason for low Soviet labor productivity is that many men as well as women, particularly in office jobs, shop on company time. There would not be time enough otherwise.

Educated young women, who despite the hardship of Soviet life, insist on the experience of motherhood, often tend to regret it during the baby's first few squalling years.

The *babushkas* (grandmothers) who enabled Soviet mothers to swell Stalin's labor force are dying out. Nurseries are neither so easy to enter nor so beloved by Soviet parents as official myth maintains. Household help is difficult to obtain, diaper service a utopian dream. A hungry infant's midnight wail totally upsets the delicate emotional balance in a crowded apartment already shared by two generations, or with complete strangers.

Small wonder that in such conditions, as Yevtushenko has just observed in Novy Mir (talking about "Spain," of course):

"People are so tired, so strained,
They vent their spleen on trifles,
Becoming each other's hangman,
Forgetting who the real hangmen are."

Yet the "sullen faces," the "dead souls" of the Soviet masses are not all that different from the faces I saw in Czechoslovakia in 1963, when Novotny had reduced them to near-Soviet conditions. The same Czech and Slovak faces came glowingly alive in the revolutionary spring of 1968, when even communists came to realize that economic reform is impossible without major political change.

[From the Washington Post, June 19, 1969]

RUSSIA TURNS BACK THE CLOCK—WAR MACHINE STIFLES SOVIET ECONOMY

(By Anatole Shub)

Ten years ago, Russia's greatest mathematical economist, Leonid Kantorovich, observed that, with Russia's natural resources, efficient management would raise output anywhere from 30 to 50 per cent.

This was probably a deliberate understatement: Russia is fertile and rich in minerals and its growth rates in the last two decades of czarism match any attained under Communism.

In September, 1967, two years after Brezhnev and Kosygin had made impressive promises of agricultural and industrial reform, a group of newsmen was allowed to meet briefly with Prof. Kantorovich at his Mathematical Institute in Akademgorodok, outside Novosibirsk, in Siberia. Patiently, the father of Soviet linear programing explained the work of his institute which, he noted carefully, was not directly tied to the economy.

His Institute, Kantorovich disclosed, did work out "theoretically" optimal plans for the economy. However, he admitted, actual economic plans were "not always" based on such "theoretical" models. The economists' recommendations ofter ran into "local interests."

Kantorovich and his team had also analyzed the price structure. Their findings, he said, had been "taken into account" before the price revisions of July 1, 1967.

Asked whether the new prices "reflected" the Institute's findings, the tactful professor hesitated, then replied: "Let us say that they approach the best theoretical plans." In other words, the scientists knew what to do, but the politicians were still far from doing it.

The next day, a young Siberian electrical engineer partly explained why, when it came to the industrial reform, we should "not take so seriously what is in the newspapers." The engineer gave two examples. The first was the matter of direct contacts between enterprises, a "change" of which Moscow press agents were then making much.

"Even before the reform," the engineer said, "the enterprises knew each other's problems at least as well as Gosplan (the state planning commission). It would have been impossible to operate otherwise."

His second example was the highly publicized reduction in the number of target figures handed down by Moscow planners.

"All that means," the engineer commented, "is that we in the factories, rather than they in the ministries, do the arithmetic—but the arithmetic itself is pretty much the same."

He explained that—with 90 per cent of resources centrally allocated, prices and basic wage scales fixed, and taxes and various other charges coming "off the top"—the relatively fewer figures still determined nearly all the others which had been left to the enterprises to decide. Some, but not much, extra money would be available, if everyone worked more productively, for bonuses, plant improvement and workers' housing.

Such modest tinkering with mechanisms and cost-accounting methods produced favorable results in the early Brezhnev-Kosygin years, for reasons that were largely extraneous. Many believed that the changes announced in 1965 would be only the beginning, not the full extent of the reform.

Introduction of the changes coincided with the entry of the postwar generation into the labor force. Considerable Western machinery was imported, on favorable credit, in the climate of political detente. And the temporary easing of Party pressures on farms not only provided workers with more food, but industry with more raw materials.

However, the reform produced only one-shot results. Industrial growth rates began declining early in 1968 and continue to decline, despite massive "moral stimulation" by the Party and trade unions—"voluntary" pledges to work free overtime, "spontaneous" demands to speed up plan fulfillment and the like.

FARM CHANGES

Both managers and workers recognized that, whenever they did achieve good results, the Party bosses raised their norms and targets in customary Stalinist fashion. Thus, the "technocrats," Brezhnev, Kirilenko, Kosygin and Podgorny have now landed in virtually the same rut as the "hare-brained" Khrushchev in the early 1960s.

The changes in agriculture were partly real, to a larger extent promises, to a great extent pure propaganda. In any case, whatever the Politburo's collective intentions may have been in 1965, Brezhnev's record grain harvest of 1966 was, politically speaking, as much of a disaster as Khrushchev's previous record "virgin land" harvest had been in 1958. It encouraged the champions of *Shablon*, or Party dictation of the planting of every last poppy seed, to believe they could resume commanding and exploiting the farmers in the same old way.

Despite warnings by Dmitri Polyansky and others in 1967, promises of new fertilizer and machinery were largely ignored. The improved "guaranteed" farm-price structure became irrelevant in the wake of Party demands for "voluntary" over-fulfillment and "socialist competition."

All notions of liberalizing the basic structure of Soviet agriculture were shelved indefinitely. Besides, as Shelepin's followers gleefully noted, the rash abandonment of Khrushchev's pet crop, corn, produced a fodder shortage. The hog population of the Soviet Union began declining more than two years ago, and last winter the early slaughter of cattle and other livestock began.

Yugoslav and other East European economists noted at the time that the limited changes promised by Brezhnev and Kosygin were doomed from the start, even had the promises been kept. For the Soviet economy fundamentally remained (in the words of the late Polish Communist, Oskar Lange) "a sui generis war economy," in which all resources are administratively marshaled to maximize military strength, political repression and ambitious foreign policies.

A conservative estimate is that 60 per cent of Soviet industry works directly for the military. (Such estimates are imprecise because of the "two-track" Soviet price structure; thus, a ruble is worth only about 25 cents in consumer goods, but buys $2.50 worth of military hardware.) Armaments production is only part of the economy's accent on defense. The Soviet army maintains some 400,000 occupation troops in Eastern Europe, even fewer (before the recent buildup) on the Chinese frontier. Thus two-thirds or more of the 2.5 million Soviet soldiers are garrisoned in and around Soviet cities—often in the same barracks as the czarist regiments before them, and for the same purposes.

DRAINS ON THE ECONOMY

The cost of the KGB and other "organs" with their millions of informers is impossible to estimate, but it is certainly huge. The vast Soviet propaganda machine, perhaps 90 per cent of its cost subsidized, is another great drain on the economy. Subversion and propaganda abroad, including direct support of most "fraternal" Communist Parties, are probably as costly as the better publicized Soviet "foreign aid" to the Vietnamese Communists, Arabs and other clients.

The strategic bias of the economy has also been costly in other ways. Since 1950, when Stalin took the measure of Mao Tse-tung, investment has been frantic in Central Asia, Siberia and the Soviet Far East. Economic considerations have taken second place to the political objective of retaining, settling and fortifying the territories seized by the czars from the tottering Chinese Empire and feeble Moslem emirates.

Hundreds of thousands of Russians and Ukrainians have been settled in Central Asia, while tens of thousands of Komsomol "volunteers" are dispatched annually to Siberia and the Far East. (Still, more leave than stay.)

Tremendous dams, factories and mines have been opened in these areas—in defiance of both climate and cost—while "historic" Russia, the Ukraine and Byelorussia have been relatively neglected. More efficient Soviet peoples, such as the Armenians, Estonians and Latvians, do not reap special rewards but instead pay the freight for heroic dreams of Asian empire. In recent years, the Kremlin leaders have been pressing their East European satellites, too, to help pay for developing Soviet Asia.

Still another hallmark of Russia's unreformed war economy is the Stalinist insistence on autarchy, or complete self-sufficiency in strategic materials. Although Brezhnev and Kosygin have been shopping for Western consumer-goods equipment, foreign trade is fundamentally regarded with suspicion, and plays less of a role in the Soviet economy today than in 1929—not to speak of imperial Russia, which was part of the world market.

DILEMMAS ILLUSTRATED

In an excellent new study, "Economic Reform in the Soviet Union," a British specialist, Michael Ellman, illustrates the dilemmas to which Kremlin "do it yourself" policies lead:

"For example, the Soviet Union is going ahead with the development of copper and nickel mining near Norilsk—a town by the Arctic Ocean. Because of the inclement climate, both building and labor costs are very high. The town is more than 1000 miles from

the nearest railway, and the ore will have to be transported either by air or in shipping convoys led by an atomic-powered icebreaker. Clearly the nickel and copper produced in this way will be extremely expensive.

"The economists say, leave things to market forces. Then the Soviet Union will import copper from Chile and export manufactured goods, and this is the rational thing to do. It so happens, however, that a major policy of the Soviet government is self-sufficiency in nonferrous metals (basically for military reasons). You can't simultaneously rely on market forces and pursue this objective."

Ellman estimates that half the Soviet national income is allocated to non-economic projects, such as defense, space and non-economic investments. Many would consider this estimate conservative. In any event, to reform such an economy, mere mechanisms of the classical economic type are clearly inadequate—"politics must take command," to use Stalin's phrase. Both the Yugoslavs and Czechoslovaks, whose economies had never been so deformed as that of Stalinist Russia, discovered in their turn that purely economic reform was a pipedream without basic political change—freedom at home, opening to the world.

In Soviet cities in Siberia, the Caucasus and central Asia as well as in Russia proper I heard officials, factory managers, mayors and economists describe their recent achievements with pride then sigh the identical refrain: "Of course, we could do a great deal more were it not for the international situation."

The "international situation" is another name for a Kremlin foreign policy which, although as cautious in tactics as Stalin's, remains fundamentally aggressive.

[From the Washington Post, June 20, 1969]

RUSSIA TURNS BACK THE CLOCK—SOVIETS "SHARPEN STRUGGLE" WITH WEST

(By Anatole Shub)

When Nikita Khrushchev visited the United States in 1959, Soviet news media devoted millions of words and hundreds of pictures to reporting his voyage and his Camp David talks with President Eisenhower, whom Khrushchev publicly described as "a man of peace." An hour-long color film on Khrushchev's trip was still being shown in Soviet movie houses, and in Soviet cultural centers abroad, four years later.

When Alexei Kosygin went to Glassboro, N.J., to meet with President Johnson in 1967, however, the Soviet press reported the meeting in two-paragraph items on inside pages. No photographs were used, and there was no further mention of the Glassboro talks once they had ended.

The contrast was not merely a measure of Kosygin's relatively modest place in the Soviet power hierarchy. It symbolized the basic change in policy since Khrushchev's fall in October 1964.

The name of the old policy, which provided the title for the official collection of Khrushchev's speech, was "Peaceful Economic Competition with Capitalism." The name of the new policy, defined in numerous Kremlin documents since 1965, is "Sharpening the International Class Struggle." It is a basically hostile, intransigent policy, limited mainly by the Soviet leaders' respect for American nuclear might and fear of Communist China.

While Soviet diplomats in Western countries constantly "reassure" their interlocutors that Kremlin actions are "defensive" and "conservative," the Soviet press directs a daily torrent of abuse and hatred at the Kremlin's various adversaries and critics. It also glorifies the very "irresponsible" elements—whether Vietcong terrorists, Arab guerrillas or East Berlin Wall sentinels—whom Russian diplomats abroad seem to be "disavowing" (although nearly always in private).

Ironically, the new Soviet policies have caused greater alarm among lifelong Communists—whether in Bologna, Belgrade, Bucharest or Peking—than in bourgeois chanceries. One reason may be that these Communists know Brezhnev, Suslov, Kirilenko and Shelest personally—and, as a Yugoslav joked recently, "To know them is to suspect them."

However, so far as the West is concerned, the problem may lie in the eye of the beholder. As a shrewd Western observer put it last fall, "We are handicapped by the professional and emotional vested interest which a whole generation of diplomats and opinion-makers has acquired in detente—just as we were crippled, when the Russian situation was really open after Stalin's death, by a generation of cold-warriors."

There is a curious symmetry between John Foster Dulles's frustration of Churchill's bid for a summit meeting in the spring of 1953, and Lyndon Johnson's insistent pursuit of one after the Soviet invasion of Czechoslovakia last fall. In both cases, preconceived ideas and domestic politics, rather than Soviet reality, were decisive.

Soviet actions since October 1964, in fact, speak more clearly even than the aggressive "theoretical" articles recently penned by Gen. Alexei Yepishev, Marshal Matvei Zakharov and other Kremlin hawks, who speak of World War III with virtual relish.

Khrushchev's successors moved swiftly to intensify the arms race, seeking not only "first-strike" nuclear capability but the capacity to intervene in limited wars by land, sea and air. They accelerated rocket production, began building an anti-missile system, experimented with orbital bombs, raised new units of fleet marines and paratroopers, moved an expanded Soviet fleet into the Mediterranean and (last summer) mobilized army reserves for a series of maneuvers in Eastern Europe which has yet to end.

The Soviet leaders rebuffed Western appeals to discuss mutual troop reductions in Central Europe, which would be easy to observe and therefore enforce. They agreed cryptically to "talk about talks" on limiting the missile race after 16 months of American prompting and as a diplomatic prelude to the invasion of Czechoslovakia. There has been no sign from the Kremlin that such talks, which could last years, might be substantively productive.

MASSIVE VIETNAM PROGRAM

In Vietnam, which Khrushchev had largely ignored, his successors mounted a massive program of arms aid, estimated at $1 billion annually. Kremlin support of Hanoi's cause was partly designed to undermine the pro-American feelings of the Soviet population—a design abetted by the Johnson Administration's recourse to bombing.

However, Soviet intervention in Vietnam was also conceived as a means for achieving "unity of action" with the Chinese Communists in the "struggle against imperialism." Brezhnev, Suslov, Shelepin and Kosygin pursued this will o'the wisp for nearly two years, until Mao Tse-tung finally purged his pro-Soviet faction by means of the Cultural Revolution. Soviet-bloc aid to Hanoi, and propaganda aimed at making an American disengagement as humiliating as possible, continued long after Peking had advised Hanoi to "rely on its own forces."

East European Communists of various shadings have long believed that both the extent and nature of possible Soviet influence on Hanoi have been grossly misjudged by Western wishful thinkers. They consider Brezhnev's influence in Vietnam to be much less than that exercised by Stalin over the Yugoslav, Albanian and Greek guerrilla movements in World War II, which was very little. Nor is Soviet influence, such as it is, necessarily benign. When President Johnson announced a limited bombing halt over North Vietnam in April, 1968, Soviet media attacked his offer of negotiations as a fraud for three days—until Ho Chi-Minh surprised them by accepting it.

As for the current Vietnamese peace negotiations, a growing body of opinion holds that, insofar as any outside power might affect the outcome, the road to success in Paris lies through Peking—in the framework of a larger accommodation with China. This view remains to be tested with anywhere the seriousness accorded since 1965 to the Kremlin's allegedly peaceful desires in Southeast Asia.

WASHINGTON PREVAILED UPON

In the Middle East, Khrushchev's successors precipitated the May 1967 crisis by spreading the false report that Israeli troops were about to attack Syria. They cheered the withdrawal of United Nations border forces and Col. Nasser's closure of the Tiran Straits. They rejected various international efforts to avert war, including Gen. de Gaulle's proposal for immediate Big Four talks.

Since the Arabs' defeat, Soviet diplomats have been trying to persuade Washington to deliver what the Kremlin itself is unable to compel, namely, Israeli withdrawal and acceptance of the pre-1967 status quo. However, the diplomats' "reasonable" words (which rarely appear in the Soviet press) contrast with the activities of the Soviet military and the KGB. The military have moved advisers, instructors, warships and hardware into the area on an unprecedented scale, while the KGB has been at work among Arab guerrillas.

Early last spring, Western diplomats professed themselves encouraged when an article in Sovietskaya Rossiya contained a phrase which vaguely criticized "irresponsible elements" among the guerrillas. The very next morning, Trud, organ of former KGB chief Shelepin, published a "heroic" quarter-page photograph of "Palestine liberation fighters," with an enthusiastic caption to match. Most Soviet media continue to hail the "liberation fighters" although there have been occasional notes of criticism.

As for the "moderate" Col. Nasser, the Yugoslav Communists, who were his best friends for 15 years, have come to the reluctant conclusion that he is now in the Kremlin's pocket, and that Soviet influence in Cairo is directed toward maintaining Middle Eastern tensions indefinitely, rather than promoting a settlement with the hated Zionists.

In no other area, however, has Kremlin intransigence been as clear as in Central Europe. Even before the occupation of Czechoslovakia and the Brezhnev doctrine of "limited sovereignty" accompanying it, Khrushchev's successors deliberately enforced and maintained a hard line in Germany.

DISAFFECTION SETS IN

The entry of Willy Brandt's Social Democrats into the Bonn government (December, 1966), which offered Moscow the best opportunity in years for serious negotiations to reduce tensions, served only as a pretext for Brezhnev and Walter Ulbricht to up their ante. Moscow's harsh stance on the German question, as much as anything else, has provoked the disaffection of the Rumanian, Yugoslav and Italian Communists—who fear that the main beneficiaries will be Franz-Josef Strauss as well as the neo-Nazis, and that the Kremlin wants it that way.

Khrushchev, it will be recalled, was overthrown after (and, in large part, because) his son-in-law Alexei Adzhubei had arranged for him to visit West German. Khrushchev, perhaps realizing that Russia could no longer afford to fight on two fronts, was attempting to relax tensions in the West even as he drove toward an irrevocable break with China. Brezhnev and Suslov publicly attacked Khrushchev's plans to "sell out" East Germany even before they conspired successfully to depose him.

The new Kremlin rulers, after failing to achieve "unity of action" with Peking seemed to assume that internal disorder in China would permit them to continue "sharpening the international class struggle" against the "Western imperialists, German revanchists, Israeli aggressors" and "anti-Socialist elements and counter-revolutionaries" in Eastern Europe. Brezhnev, after occupying Czechoslovakia and threatening Rumania and Yugoslavia with various Warsaw Pact maneuvers, actually had fewer troops on the Chinese frontier at the beginning of the 1969 than Khrushchev had garrisoned there five years ago.

SOVIET REPRISAL RAID

The March 1 Chinese ambush on Chenpao Island in the Ussuri (few neutral observers doubt that the mud-spit is Chinese under international law) appeared to shock the Kremlin rulers, who had been having their way in previous frontier skirmishes and had been massing their armed forces on the western and southwestern "front." The March 1 Ussuri incident may have represented Chinese fulfillment of obligations to the hard-pressed Rumanians, who (despite general disbelief) continued to insist throughout the tense winter of 1968–69 that Peking would deter Moscow from attacking their country.

The second Ussuri incident, on March 15, is generally believed to have been a massive Soviet reprisal raid, aimed at demonstrating to Peking Russia's superior fire-power and the Kremlin's political determination to use it if necessary. However, the Soviet "victory" in the second Ussuri battle failed either to calm the unbelievable anxiety of the Soviet population with regard to China (based on ancestral memories of Genghis Khan's Golden Horde), or to remove political doubts in Communist circles as to the wisdom of the entire Soviet "two front" policy.

Some of these doubts came to the surface in a curious sequence a fortnight later when a Moscow celebration of the 50th anniversary of the Communist International was held more than three weeks late, behind closed doors. Soviet Party Secretaries Mikhail Suslov and Boris Ponomarev, as well as East German Party chief Ulbricht, were among the speakers. All the speeches were heavily censored, and Ulbricht's was held up two days before publication in Pravda or Neues Deutschland. Ulbricht left Moscow without any public indication that he had seen Brezhnev, although it developed later that he had seen him for five hours.

Despite the secrecy, censorship and arcane Communist jargon, it seemed clear that Ponomarev at least had been criticizing, and Ulbricht firmly defending, the hard line of "confrontation" toward West Germany. Suslov's published remarks were cryptic (perhaps because they were the most heavily censored), but they contained at least one verbal concession to Ulbricht's critics. Brezhnev's position may be gauged from the fact that East Berlin officials began spreading reports of his imminent overthrow and Neues Deutschland began cropping him out of official photographs.

The apparent quarrel with Ulbricht took place against the background of secret exploratory talks between Soviet and West German diplomats, in which the Russian negotiators had finally "untied the package" of long standing political demands on Bonn, conceded the need for better arrangements in divided Berlin, and seemed to require only a political green light from the Kremlin to make major progress toward realistic agreements to ease tensions in divided Germany.

Yet the green light was not given. Kremlin policy toward Germany, as toward other problems foreign and domestic, floundered in the ambiguity of the Soviet leadership crisis.

[From the Washington Post, June 21, 1969]

RUSSIA TURNS BACK THE CLOCK—STRUGGLE FOR POWER QUICKENS IN MOSCOW

(By Anatole Shub)

Who rules Russia today? The question is difficult to answer, and textbook models no longer apply.

Lenin's original Communist Party dictatorship saw annual Party congresses or conferences, with the Party Central Committee meeting, frequently, debating openly, deciding by majority vote.

Stalin established his rule through the bureaucrats of the Party Secretariat, maintained it through the security police (successively named Cheka, GPU, NKVD, MGB and now KGB), ended finally with a personal "special secretariat" which overshadowed the police as well as the Party machine.

Khrushchev tried to revive the role of the Party, held three Party Congresses, and used the Central Committee to outmaneuver his peers in the Politburo until his colleagues used the same device against him, successfully in October, 1964.

The "collective leadership" headed by Leonid Brezhnev at first sought to return to the forms prescribed in Party statutes. They held frequent Central Committee meetings in 1965 and managed to hold the 23d Party Congress in March, 1966, which revamped the Politburo, Secretariat and Central Committee in conformity with their "general line."

Within the top bodies, the ambitious Alexander Shelepin was gradually deprived of some of his posts and powers. During the anniversary year 1967, Brezhnev gradually elbowed aside Premier Alexei Kosygin and President Nikolai Podgorny, who remained representational figures in what seemed to be a ruling triumvirate, or troika.

In the Party Secretariate, Brezhnev's associate, Andrei Kirilenko, balanced the wily veteran Mikhail Suslov. Inside the government two "juniors," Dmitri Polyansky and Kiril Mazurov, balanced each other.

During the last year and a half, however, a single, continuous, traumatic experience—the Czechoslovak crisis which began in November, 1967—has gradually shattered all the neat Soviet Party forms as well as the prior calculations of individual and "collective" leaders.

As the crisis developed and climaxed with the invasion of Aug. 20, 1968, signs began to appear of both a vacuum of power and a struggle for power at the top—with effective influence frequently appearing to pass outside the constituted Party bodies, to the marshals of the Soviet army and the shadowy agents of the KGB.

In recent months, with industrial growth rates tumbling, meat shortages proclaiming the failure of post-Khruschev farm policies, the battles on the Chinese frontier casting the fundamentals of post-1964 foreign policy into doubt, the struggle for supremacy appears to have intensified within and among the various ruling Soviet institutions.

WESTERNER'S VIEW

No firm conclusions can be drawn about the outcome of the struggle, but most unbiased observers tend to share the view expressed by a seasoned Western ambassador last September: "A traumatic experience like Czechoslovakia cannot be without consequences on the Soviet leadership. It remains to be seen whether those consequences will take eight months to develop, as after the Hungarian revolution in 1956, or two years, as after the Cuban missile crisis in 1962."

It all started quietly when Brezhnev who has made his way as a centrist in all difficult situations, went unaccompanied to Prague in December, 1967. Asked to mediate between Stalinist strongarm Antonin Novotny and his Slovak and liberal foes, Brezhnev pronounced the fateful words: *Eto vashe delo, tovarishchi* "That is your affair, comrades."

Soviet hardliners still maintain that Brezhnev sacrificed the broader Kremlin interest in Czechoslovakia "stability" to a personal grudge, for Novotny had publicly criticized Khrushchev's removal and thus Brezhnev's promotion. (East European moderates, on the other hand, maintain that there would have been no 1967 crisis had not the Soviet embassy in Prague foiled the attempt by Interior Minister Rudolf Barak to overthrow Novotny, with Khruschev's support, in 1962.)

SATELLITES CALLED IN

Once the Czechoslovak revolution really got under way, with the liberation of the press in March 1968, Brezhnev no longer went to meetings unaccompanied. Other members of the troika and Politburo, as well as East Germany's Ulbricht, Poland's Gomulka and other satellite chiefs, were increasingly called in. From early April, when the Czechs began questioning the death of Jan Masaryk and reviewing the role of Soviet "advisers" in the Prague trials and purges of the 1950s, KGB pressure was strongly felt in the Soviet Press.

The leadership's reaction was the "historic" April, 1968, plenum of the Central Committee. Its proceedings were never published. But official communiques disclosed that Brazhnev had given a long report, and that the first speaker after him was Ukrainian leader Pyotr Shelest, a spokesman for the backwoods element in the Party machine.

Other noted reactionaries (such as Nikolai Gribachev of the writers union) also spoke, and the brief resolution of the April plenum proclaimed a campaign of "vigilance" against ideological enemies everywhere. "Vigilance" had also been the main slogan during Stalin's purges.

Although the Moscow national newspapers (scrutinized by thousands of resident foreigners and overseas experts) remained vague about how the Plenum resolution was being implemented, in Baku, where I happened to be a fortnight later, the local newspaper made it amply clear. It reported a meeting to discuss "implementation of the resolutions of the April Plenum" at which the first two speakers were the heads of the local KGB and MVD (police), followed by cultural commissars.

Yet the failure to publish Brezhnev's speech, even in "laquered" form, immediately raised questions as to whether he had been the leader or the led. A terrible row that Brezhnev had with Marshall Tito on April 28 could hardly have improved his position.

A few days later, two semiretired senior marshals, Ivan Koynev and Kiril Moskalenko, both considered "Khrushchevites" in their day, went off to tour Czechoslovakia. The tone of the Soviet press, starting with the Red Army paper Krasnaya Zveda, began to turn positive toward the Czechoslovak reformers.

Kosygin went to Karlovy Vary and Prague, and the result was a compromise which stabilized the situation during May and June. Part of the compromise was Prague's agreement to Red Army maneuvers on Czechoslovakia soil in June—and, as it turned out, July as well.

Yet pressure from the hardliners continued, and advocates of a "strong hand" were doubtless encouraged by developments in the United States, the power their more cautious colleagues feared most. President Johnson's political abdication and the murders of Martin Luther King Jr. and Robert Kennedy were dramatic evidence of domestic unrest, overshadowing for most Americans the issues in Prague.

In June, the Soviet government mounted a series of "atmospheric" gestures toward the United States—signing the nuclear nonproliferation treaty, ratifying the long-stalled consular convention, initialing a long-delayed cultural exchange agreement, agreeing after

years of delay to airline service between New York and Moscow, and, most important, expressing willingness to "talk about talks" on limiting the strategic arms race.

REACTION IN UNITED STATES

Washington's reaction was euphoric. President Johnson began seeking a summit meeting. Lesser "U.S. officials" were quoted as saying that Washington could, and would, do nothing to affect the Czechoslovak crisis.

The Soviet conservatives, who had been arguing that military action in Czechoslovakia might risk dangerous international consequences, were undone. In mid-July, as the crisis entered its decisive phase, Shelest was at the side of the troika in Warsaw, where together with Ulbricht, Gomulka and other Pact allies they issued the famous letter which was a clear ultimatum to Czechoslovakia.

When Prague rejected the ultimatum, nearly all the Politburo members and Secretariat officials (Kirilenko and Polyansky were "paired" at home) journeyed to the Slovak border village of Cierna-Nad-Tisou for a showdown with the Czechoslovak Presidum. This unprecedently enlarged meeting had been suggested from the Soviet side. Supposed to last a day and a half, it lasted four days. It was a clear demonstration of how uncertain the Soviet leaders themselves had become.

Cierna was followed by the Bratislava meeting with the Pact allies, to which Shelest (whom the Czechslovaks had considered most offensive at Cierna) and Suslov (whom they thought most conciliatory) accompanied the troika. Although Ulbricht and Gomulka made plain their displeasure with the Soviet Politburo's conduct at Cierna (Gomulka: "I thought we settled everything in Warsaw"), Brezhnev brought them around, or thought he did.

EVENTS MOVE SWIFTLY

The Czechoslovaks believed that the Cierna and Bratislava meetings had successfully resolved the crisis. So did everyone else who watched the happy relaxed scene at the Bratislava railroad station when the Soviet leaders departed for home next day, Aug. 4, Brezhnev and Suslov seemed particularly relieved and friendly. On returning to Russia the troika immediately went off on holiday—Brezhnev and Podgorny to Pitsunda on the Black Sea; Kosygin to a forest villa in the Moscow region.

What happened between Aug. 4 and 15, when the leaders suddenly returned to Moscow and (Aug. 16) ordered the invasion, remains a crucial mystery. Some believe that, in the absence of the troika, Politburo hardliners had mobilized an apparent majority of Secretariat functionaries, provincial barons and powerful vested-interest spokesmen (such as the KGB "professionals" and the notables of cultural and press censorship)—and that Brezhnev and Podgorny, summoned from Pitsunda, went along to avoid a Central Committee showdown which might have risked their own positions. The Central Committee did not meet, and the decision was taken by what Soviet informants called an "enlarged" session of the Politburo and Secretariat.

Others believe that the decisive influence was exerted by the marshals of the Soviet army, who had not been invited to Cierna or Bratislava. The marshals, many of them (like Defense Minister Grechko and his chief deputy, hard-nosed Marshal Ivan Yakubovsky) former proconsuls in East Germany or Poland, may have been successfully lobbied by Ulbricht and Gomulka.

These two explanations do not exclude each other. What seems most unlikely, however, is that the Soviet reversal had been produced solely by events in Prague—such as the varying welcomes accorded to Tito, Ulbricht and Rumanian leader Ceausescu, or new misconduct by the Czechoslovak press (which had become progressively more careful and self-disciplined since April, and especially since the Warsaw letter).

INVASION OPPONENTS

As the Red Army struck, it became known almost immediately, in Moscow Prague, Belgrade and elsewhere, that at least four senior Soviet figures—Kosygin, Suslov, Shelepin, Ponomarev—had argued against the invasion, mainly on tactical grounds. Some sources placed Polyansky among their number. Their counsels of caution acquired new force when the KGB botched the political coup which was to accompany the Soviet army's unopposed occupation.

Czechoslovak passive resistance, the political confusion it was sowing among the initial units of Russian soldiers, and the fear that resistance might turn active, brought about the Moscow "compromise" of Aug. 26. The KGB released Dubcek, Smrkovsky and at last "the Galician Jew" Frantisek Kriegel (the epithet is actually attributed to Brezhnev or Kosygin), who had been seized like common criminals and seemed to face the fate of Imre Nagy and other Hungarian revolutionary leaders imprisoned and finally executed in 1958.

The Soviet leaders maintained unity in the difficult weeks which followed, but toward the end of October there were new signs of trouble. KGB agents of the Novosti press agency and other Soviet journalists close to the Party Secretariat began phoning Western contacts that a Central Committee Plenum would be held shortly, at which the resignations of Kosygin "and perhaps others" would be accepted. Colleagues who received such calls had the clear impression of an effort to stimulate the "bandwagon" psychology of accomplished fact, so often decisive in Communist politics. Kosygin men in the government denied knowledge of such reports.

On the very morning of the Plenum, Oct. 30, the rumor-spreaders all called their contacts to say that plans had changed. Their Line was that Brezhnev, while willing to let Kosygin go, had informally polled important Central Committee members. A majority of these believed that Kosygin's departure at this juncture would be taken by the Soviet population and the outside world as a sign of the regime's over-all weakness.

BREZHNEV'S REPORT

There were no personnel changes at the October Plenum. Instead, Brezhnev gave a report on the international situation (which was never published) and a wordy, meaningless report on farm policy (which was published and might easily have been delivered by the deputy minister of agriculture at a provincial meeting).

Shortly afterward, Shelest accompanied Brezhnev to the Polish Party Congress in Warsaw, where the major objective was to insure the survival of Gomulka and defeat supporters of the suspected Polish nationalist (and reputed Shelepin associate), Gen. Mieceszlaw Moczar. At Warsaw, Shelest hovered over Brezhnev in a manner that recalled how Defense Minister Marshal Malinovsky had hovered over Khrushchev at the abortive Paris summit conference of 1960.

The apparent compromise reached at the October Plenum produced marked lightening of the atmosphere in Moscow during November, December and early January. A quick, apparently routine Central Committee Plenum was held in December, just before the traditional Supreme Soviet session, to approve the 1969 Economic Plan. Soon afterward, Kosygin and others went off on Christmas holiday.

In mid-January, the situation began to turn again. In Czechoslovakia, trade union strike threats foiled the first attempt to oust Smrkovsky, and this was followed almost immediately by the even greater drama of Jan Palach's suicide and funeral. Nevertheless, Soviet advocates of restraint in Prague appeared to be holding their own. There was no new intervention in Czechoslovakia, despite the new "provocations." Western diplomats reported that the Palach affair had shaken the self-assurance of Soviet government in much the same way as the Vietcong's 1968 Tet offensive had dismayed official Washington.

However, other agencies of the Soviet apparatus were plainly restive. KGB sources began planting long, detailed accounts of Kosygin's health, declared that his continued absence was a result of illness, and said that, even if he did not resign soon, most of his work would be turned over to Mazurov, Polyansky and others. Moscow movie houses began showing a long film on Polyansky's visit to Korea the previous September.

KREMLIN GATE INCIDENT

On Jan. 23, there came the still-mysterious incident inside the Kremlin's Borovitsky Gate. KGB agents next morning spread the word that someone had fired on the Soyuz cosmonauts, returning for a festive Kremlin meeting. That afternoon Foreign Ministry officials said the assailant was a "paranoid." The Tass news agency announced that evening, however, that it had been "a provocation."

A day later, a Mongolian Communist said he had witnessed the seizure of the would-be assassin, who had been in MVD (civil police) uniform. Asian diplomats, non-Communist, also claimed to have witnessed the scene from afar. All foreigners, and some Soviet sources as well, agreed that the intended target was almost surely Brezhnev. The cosmonauts' press conference failed to clear up the mystery. The Foreign Ministry seemed most anxious to throttle any speculation linking the assassination attempt to Kosygin's continued absence.

Then, from sources close to the MVD, came word that the seized man had been an army engineer, a lieutenant named Ilyin, who had come down from Leningrad and borrowed the police uniform from a relative in Moscow. No Soviet sources ever attempted to deny this account. Complete official silence thenceforth blanketed the case.

However, toward the end of February, two contradictory versions again began to spread, paralleling the conflict of the first few days. From the government bureaucracy, the story was that Ilyin was an insane loner and would soon be certified as such. From the KGB, the word was that he was part of a "counter-revolutionary gang," with high accomplices in the army and elsewhere, who would soon be tried.

LENINGRAD SUSPECTED

Suspicion again descended on unhappy Leningrad, whose Party leadership had already suffered two terrible purges—one after the murder of Sergei Kirov in 1934, another in the "Leningrad case" following the sudden death of Andrei Zhdanov in 1948 (of which Kosygin had been the most prominent survivor).

Dissidents and intellectuals reported a new crackdown in the city starting in February, and there were rumors that there had been arrests in Ilyin's army garrison. The city on the Neva was closed to resident Moscow foreigners throughout the month of March, although guided Intourists (mainly Finns escaping "dry" regulations in search of vodka unlimited) were permitted.

March 1, there came the first Ussuri incident on the Sino-Soviet frontier. The Politburo majority did not revise the "two front" policy. The Kremlin decided to boycott the Yugoslav Communist Party Congress which was opening March 10, and ordered their satellites and dependent parties to do likewise. (The order came after two Bulgarian "advance men" were already in Belgrade, and a Mongolian delegation had reached Moscow on route.)

A Warsaw Pact summit meeting had been scheduled (after the first Ussuri episode) to open in Budapest on March 17, and deputy

foreign ministers and other lower-level officials were already at work there when the second Ussuri battle took place on March 15.

Next day, on Margaret Island in the Danube, Brezhnev and Kosygin attempted, in bilateral talks, to rally their allies. By several accounts, Brezhnev was obsessed by the Chinese threat, nervous, quick to flare. But Rumania's Nicholae Ceausescu refused even to discuss any Warsaw Pact commentary on China, as his subordinates had already made clear.

CONCESSIONS MADE

Instead, the Soviets—in the person of Marshal Ivan Yakubovsky, the Warsaw Pact commander—made some concessions to satellite complaints about the Russian-dominated Pact organization. The changes were largely cosmetic, but the Rumanians professed themselves pleased. They were even more pleased by the Budapest declaration on European security, the mildest document on the German question ever signed by Brezhnev and Kosygin.

Ulbricht and Gomulka, overriden, were not pleased at all—and neither, as varying subsequent Soviet press coverage showed, were hardline elements in Moscow.

Ulbricht made his way to the seat of power soon afterwards, invited by the Soviet Institute of Marxism-Leninism (headed by one-time Suslov rival and near-victim Pyotr Fedoseyev) to attend a delayed anniversary meeting of veterans of the Communist International. A curious sequence ensued, which appeared to indicate a high-level conflict over policy toward West Germany. The conflict has yet to be resolved.

Meanwhile, in Prague, popular demonstrations had followed the Czechoslovak hockey team's victory over the Soviet team in the first of two matches in a world championship tournament at Stockholm. There had been no violence after the first hockey game, as there had been no violence among the self-disciplined Czechs and Slovaks throughout the momentous events of 1968.

However, when the Czechoslovak team won the second match, 4 to 3, new demonstration in Prague was marred by unidentified elements, who sacked the Aerofot office several hundred yards away from the demonstration's center at the statue of St. Wenceslas.

Next day, Czech Minister of the Interior Grosser quickly announced that demonstrators had also been violent in other towns, and had actually pelted Soviet army barracks with rocks at Mlada Boleslav and elsewhere. The Prague government reproved Grosser for making such an announcement before there had been an official inquiry.

MAY HAVE BEEN STAGED

Weeks later, Western newsmen in Prague said they had been unable to find anyone who had actually seen the damage at Mlada Boleslav or elsewhere in the provinces. European newspapers have charged that the Aeroflot incident in Prague was a staged provocation organized by the KGB.

Whatever happened, it was enough to bring Marshal Grechko personally on the scene within 24 hours, joined shortly afterwards by Deputy Foreign Minister Vladimir Semyonov. There was no representative of the Party Politburo or Secretariat, even though the envoys' main business was to secure the ouster of Dubcek as Party Secretary and Smrkovsky from the Party Presidium at an impending meeting of the Czechoslovak Central Committee. In all the long series of Soviet-Czech negotiations going back to Novotny's fall, it was the first time the Soviet Politburo and Secretariat were not represented—except for the period when Vassily Kuznetsov, the First Deputy Foreign Minister, was negotiating the agreement on "temporary" stationing of Soviet troops, which Kosygin came later to approve and sign.

Grechko's presence appeared to be a sign of the growing independence—in matters which vitally concernd them—of the marshals. He may conceivably have been guided from afar by Brezhnev, who had always been linked with the Soviet "military-industrial complex" and had never been known before, as Party leader, to have denied the marshals anything. However, even this possibility raised the question of who was using whom. Foreign Communists in Moscow were the most openly shocked by Grechko's role, and the failure to observe Party form.

MARSHALS' SECOND MOVE

This was the second assertion of the marshals' power in two years. Grechko himself had succeeded the late Marshal Malinovsky as Defense Minister in 1967 after more than a week of struggle, during which Party spokesmen were telling foreign newsmen that the new man would be a civilian, Dmitri Ustinov.

It would seem reasonable to assume that Soviet Party functionaries, who had gone through that previous struggle, were as disturbed as foreign Communists by Grechko's Prague mission and the rise in military influence it portended.

While the Defense Minister was detained in Czechoslovakia, and Yakubovsky was in Bulgaria supervising Pact maneuvers, preparations had begun for the traditional May Day military parade through Red Square. On or about April 15, with both marshals still abroad, the preparations suddenly ceased. Western military attaches began wondering what had happened, but their Soviet officer contacts would give no reply.

Then Party and KGB spokesmen began spreading word that the military parade would definitely be canceled, although they never satisfactorily explained why. Nearly a week of confusion and speculation followed Foreign ministry and other government officials refused to confirm or deny the reports. Defense Ministry officials said: "We don't know yet."' The parade was finally canceled, and a purely civilian demonstration arranged.

Nevertheless, atop the Lenin Mausoleum on May Day, Politburo and Secretariat members, packed closely together in two rows, divided the reviewing stand with Grechko, Yakubovsky and other bemedaled marshals and generals, who had plenty of room. When the band finished playing the Soviet national anthem, Brezhnev, into the open microphone before him, asked: "What happens next?"

[From the Washington Post, June 22, 1969]

RUSSIA TURNS BACK THE CLOCK—TOP SOVIET SHAKEUP IN 1970 LIKELY

(By Anatole Shub)

Whither Russia? The question has tormented Russia's finest minds, and the most perceptive foreign observers, since the times of Pushkin and Gogol, the Marquis de Custine and Dumas pere, nearly a century and a half ago. It continues to torment Russians and foreigners today, and largely for the same reasons:

A vast land, one-sixth of the earth's surface, which is part of Europe but not wholly European in spirit.

A profoundly spiritual people with a tragic view of life, relatively indifferent to the materialism of the West, fundamentally anarchistic and suspicious toward authority of any kind.

Great, scattered peasant masses (or sons of peasants herded into the rootless anonymity of an imported industrial civilization), and a brilliant intellectual aristocracy torn between Europe and ancestral traditions, between Western scientific, technical and esthetic values and belief in Russia's uniqueness, in its special spiritual mission.

Autocratic, centralized government unchecked by established, autonomous groups, classes and institutions—rulers trapped in the vicious circle of external expansion and domestic repression, each justifying and intensifying the other.

An imperial power strong enough to menace, inhibit and frustrate the West, but not strong enough to dominate it.

A power driven to expansion and self-assertion in Asia, yet at least semiconscious that adventure in the Orient could trigger disaster for the whole fragile structure of empire.

Cruelty and suffering, venality and selflessness, suspicion and deep loyalties, rash outbursts and unusual patience, profound insight and incredible incompetence, the terrible psychological gulf between "us" and "them," rulers and ruled, elite and masses—these and many other extremes and contradictions of Russian character and life, transmuted into high art by Gogol, Tolstoy and Dostoevsky, persist into our time, and have been reflected in the poetry of Akhmatova, Pasternak, Voznesensky and Okudzhava, the prose of Alexander Solzhenitsym. The eternal quality of "the Russian problem" is dramatized almost daily in the Soviet Union—as, for example, in the bitter political struggles which recently accompanied new productions of plays written by Chekhov and Gorky 60 years ago.

In some ways, it is easier to speculate about the immediate future of the Soviet Union—as difficult as it is to discern the relevant facts—than to contemplate where and how it will all end, if indeed it does "end," in some resolution or synthesis of the great contradictions and dilemmas which Russian history and the alien rule of dogmatic Marxism (a German ideology in origins and essence) have brought about. It is easier to visualize the alternatives in 1970 than the range of possibilities in 1984.

Yet, even in discussing the short-range future, Westerners are frequently driven to conclude, "It cannot go on this way"—but it can and often does. Changes and choices which in the West would be "inevitable" and "inescapable" in a matter of days, weeks or months have, all too often in Russian and Soviet history, been evaded for years and even decades.

For ten years now, to cite only the most obvious example, it has been clear to Westerners that the Kremlin "cannot go on indefinitely" waging political war on two fronts, against the West and against China, and on both fronts with signal lack of success. "Sooner or later, they must make a choice," Westerners, East European Communists and Soviet intellectuals have been saying for a decade.

Nevertheless, the Brezhnev Politburo has thus far not made any such choice. This evasion of the "clear alternatives" has been largely made possible (in my opinion) by the sentimental, irrational blindnes of both Washington and Peking to the move—American-Chinese cooperation—which might force the Kremlin from check to mate.

A SPATE OF CRISES

The current Soviet crisis is political, diplomatic, economic and cultural—but it has been crystallizing these last two years into a crisis of leadership, and to some extent a crisis of political institutions. To summarize bluntly (although that is always dangerous), the Brezhnev leadership has been rocked by one failure after another: defeat in the Middle East, revolution in Czechoslovakia, collapse of economic reform, slowing industrial growth rates, new crisis on the farms, restiveness among intellectuals, disaffection among youth, accelerated disintegration of the world Communist movement, the re-emergence of China on the world scene (with a resonant new anti-Soviet slogan—"the new Czars"—in place of the unappealing sectarian condemnations of "revisionist renegades").

In attempting to manage these crises, Brezhnev and his Politburo colleagues have revealed many a disagreement (the zig-zags over Czechoslovakia in the past 18 months furnish the clearest example). They have seen (whether or not they wished it so) much effective decision-making pass to the

appointed bureaucrats of the party secretariat and away from the elected, supposedly sovereign Central Committee. Numerous policy statements have been issued in the name of the Central Committee although that body has not, in fact, been meeting.

At the same time, the Politburo leaders and the party machine generally have yielded considerable power, in matters which affect them, to the army and the KGB, neither of which is under quite the firm control that Khrushchev seemed to exercise over both between 1958 and 1963. It is largely immaterial (although a fascinating mystery) how the marshals and the KGB professionals acquired this power—whether through their own initiative or through the readiness of Brezhnev and other politicians to anticipate military and police demands and thus assure contained support against political rivals. (Among the current Politburo members, Brezhnev, Kirilenko and Voronov have frequently expressed their support for the "military-industrial complex" while Suslov, Pelshe, Shelepin and Mazurov have each passed important years in KGB operations.)

A MEDIOCRE NO. 1

The real authority of the current leaders, individually and collectively, is thus considerably circumscribed—more so, in fact, than that of any previous leadership in Soviet history. Despite sporatic attempts to build a "cult" for Brezhnev, he has simply not caught on, either among the population or within the party machine (where, according to Communist observers, Suslov and Shelepin each, for different reasons, enjoys greater respect).

Despite Brezhnev's cautious "centrist" maneuvers and efforts to involve his colleagues in responsibility for controversial measures, the party General Secretary, as "No. 1," can hardly continue indefinitely to avoid accountability for the failures of the past two years. Most Moscow Kremlinologists suspect that Brezhnev has retained power as long as he has mainly through the support of the "military-industrial complex" and because of the general recognition of his mediocrity.

Brezhnev's very mediocrity is a kind of asset in view of the widespread fear that Shelepin, with his drive, intelligence and relative youth (50), could emerge as the single "strong man" who might make a clean sweep of the aging "class of 1952" and shake Russia upside down.

Kosygin, who was the only one of the 11 Politburo members to command tangible respect outside party circles, among Soviet intellectuals and managers as well as abroad, appears in the last two years to have largely forfeited the influence he commanded in 1965. He has been faulted for weakness—for his inability to check the witch-hunt among intellectuals, his failure to prevent the invasion of Czechoslovakia and, most important, his silent acceptance of the emasculation and collapse of economic reform.

As one Soviet intellectual put it: "If Kosygin could not even save the project dearest to his heart, and on which he staked his public reputation, what good is he to anyone?" (The answer may be that in the last two years Kosygin, like Soviet caviar, has been a commodity mainly for export to the West—a symbol of "reassurance" useful in calming Washington and London. But Polyansky would do as well for this purpose.)

THE LARGER QUESTIONS

It is largely pointless to speculate on the possible ups and downs of individual leaders, for there are bigger questions involved: Will the rivalries within the Politburo and secretariat prove more decisive than the sentiment that its members must now "hang together" rather than separately against the army, the KGB or ambitious provincial barons in the Central Committee? Will change, whenever and however it comes, involve merely a reshuffle of the same old cards (Kirilenko or Suslov instead of Brezhnev; Podgorny or Voronov in place of Kosygin) or a change of generations (Shelepin, Mazurov, Polyansky)? Can such changes involve major reversals of basic policy, or is the structure of the Soviet ruling class so ossified as to permit only another victory (as in 1954, 1957 and 1964) of a heterogenous "left-right" coalition—followed by continual compromises and zigzags which satisfy neither hard-line sectarians nor liberal reformers? Will the new men, old or young, civilian or military, continue to restrict Soviet politics to the self-perpetuating inner Kremlin circles, or summon support from broader social groups and the Soviet population at large?

There is, as yet, no clear answer to any of these questions. Most Moscow observers tend to be pessimistic, stressing the inertia of the ruling class as a whole and the political apathy (or fear) still governing most of the Soviet population. However, all Moscow observers agree that the outcome could be affected, in a surprising manner, by a myriad variables inside and outside the country. There is no lack of inflammable tinder; the spark to light it might come from almost anywhere, at any time.

Since the invasion of Czechoslovakia, many observers have believed that a change in the leadership might very well follow the anticlimax of the world Communist unity conference, for which Brezhnev had been pushing since 1966 (despite the skepticism of Suslov and others). However, other observers feel that the importance of the international Communist movement to the Kremlin has been considerably exaggerated in the West. Such observers note that the invasion of Czechoslovakia was undertaken, with little hesitation, despite express, face-to-face warnings from Italian, French, Rumanian, Yugoslav, Austrian and other Communist leaders that such action would doom efforts at genuine unity.

AN AUTUMN DECISION

My own hunch—it can be no more than that—is that the showdown may be precipitated by the issues involved in calling and holding the next Communist Party congress. According to the party statutes, the 24th congress should be held in or before next March. A strong case may well be made by some party leaders to hold it in connection with the centennial of Lenin's birth, April 22. In either case, the congress date must be fixed, and preparations begun, at least six months in advance—that is, this September or October.

The congress is of paramount interest to all elements in the party for two crucial reasons. It should decide on the basic elements of the next five-year economic plan (1971–75). It will also choose a new party Central Committee, which in turn traditionally involves changes in the Politburo, secretariat and Soviet government.

Obviously, the younger (40-to-55) leaders both in the Kremlin and the provinces have a strong interest in holding the 24th congress on schedule or earlier—for it is they who stand to advance. On the other hand, the senior leaders of the "class of 1952" would appear to have an equally valid interest in putting off the congress as long as possible, or at least until they have managed to compose the disagreements among themselves and present a common front to ambitious young outsiders.

In any case, the congress cannot, without serious consequences, be put off much beyond the end of 1970, because of the necessity to adopt the 1971–75 economic plan—and Soviet economic plans not only involve the total allocation of national resources but thereby shape Russia's diplomatic and military posture. Profound disagreement over these basic national priorities was already apparent long before the present leadership crisis began in 1968.

The 23d party congress, in March, 1966, adopted "directives" for the 1966–70 plan, but subsequently, no formal five-year plan was formally enacted by the government and Supreme Soviet (as had always been the practice). Instead, in December of each year, one-year target figures were announced.

The leaders could conceivably go on this way, but it would inevitably be taken as a sign of weakness and disunity as well as a breach of party statutes, state law and Soviet Communist tradition. Besides, powerful forces—individuals and groups, as well as the objective facts of life—are acting to compel a more fundamental reconsideration of national priorities.

For these and other reasons, I would be much surprised if the Kremlin leadership has not changed considerably 18 months hence, and not at all surprised if the shake-up came this summer or fall.

The longer-range perspective is much more painful to contemplate. Michel Tatu of Le Monde, by far the most astute Moscow correspondent of the postwar era and a most discerning analyst since his departure from Moscow in 1964, has expressed his belief that the Soviet Union has already entered a "prerevolutionary" phase of development. I agree, primarily because none of the current Soviet leaders or ruling institutions has shown any sign of movement toward a guided evolution (in the Yugoslav, Czechoslovak or some other indigenous manner).

Quite the contrary. And the issue of Stalin's mass murders, and responsibility for them, continues to torment Soviet society. There is, furthermore, a basic contradiction between the qualities, attributes and interests required by the jungle world of the party machine and those required by the people.

The question, however, is how long the "prerevolutionary" phase may last—a decade, a generation or even longer. I am inclined to be gloomy, but such matters of timing are totally unpredictable. The decisive catalyst might be anything from a border war with China to a riot in a Moscow butcher shop.

As he grew older, the late Josef Stalin came more and more to admire the figure of Ivan the Terrible, the cruel, mad, 16th century tyrant whose private *oprichnina* was the forerunner of both the Communist Party apparatus and the KGB. After the dread Czar's death, his son Fyodor and, at first, the usurper Boris Godunov maintained a semblance of stability for nearly two decades. But the sufferings of the population, the conflict between the new oprichnina and the old nobles, the passions of religious sectarians and the intervention of neighboring princes ultimately brought on the chaotic "Time of Troubles" when the Russian state disintegrated completely and Polish soldiery briefly occupied the Kremlin.

Many Moscow intellectuals today fear that a new "Time of Troubles" may be upon Russia sooner rather than later—and the Brezhnev regime seems quite sensitive to the parallel. For the onset of the "Time of Troubles" is the theme of one of Russia's greatest works of art, the opera "Boris Godunov," with Pushkin's verse set to Mussorgsky's somber melody. In the final act of "Boris Godunov," rebellious peasants attempt to lynch a fatuous landowner named Khrushchev.

The other Khrushchev, who ruled the Soviet Union until 1964, did not censor the reference to his operatic namesake. It took the insecurity of Brezhnev and his colleagues to make Pushkin's Khrushchev, as well as their own former leader, an "unperson."

VIETNAM TROOP WITHDRAWAL

Mr. GOLDWATER. Mr. President, a former colleague of ours, Bill Knowland, editor of the Oakland Tribune, prepared a timely editorial concerning the recent remarks of former Secretary of Defense Clark Clifford. I am not essentially in disagreement with the remarks made by Mr. Clifford, but I agree with Mr. Know-

land that the remarks could well have been made earlier, inasmuch as not a great amount of time has passed since Mr. Clifford was Secretary and the present time.

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

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

CLIFFORD'S UNTIMELY REMARKS

There was a time when Clark Clifford's current Vietnam troop withdrawal proposals might have been considered personally courageous. That time is long since past.

There was a time when his proposals might indeed have been useful in de-escalating the Vietnam war. That time is also long since past.

As Secretary of Defense for former President Lyndon B. Johnson, Clifford had both the power to insist privately and the prominence to assist publicly that we do what he is now advocating

But, the pattern of the Vietnam war during the entire Johnson administration was instead one of continued acceleration.

The Nixon administration has—for the first time—reversed that pattern. It has already announced the withdrawal of 25,000 U.S. troops from South Vietnam. The de-escalation Mr. Johnson and former Defense Secretary Clifford failed to bring about is under way.

Clark Clifford's gratuitous remarks—now that he no longer bears the direct responsibility for them—are far more likely to harm them help the cause he espouses.

For, as Mr. Clifford knows far better than most, such comments from persons of his stature only unnecessarily complicate the delicate process of diplomatic negotiation.

It is perhaps unfortunate the nation did not hear from Clark Clifford when he had the power to implement what he now advocates. It is perhaps even more unfortunate that the nation is hearing from him at this late date.

THE PASSING OF SIDNEY BLISS MARKS THE END OF AN ERA

Mr. NELSON. Mr. President, the Janesville Gazette is a Wisconsin newspaper with a reputation for responsible and objective coverage of the news. Sidney H. Bliss, copublisher of the Gazette since 1937, played a vital part in building that reputation.

Varied interests, lively ideas, and active participation in community affairs were characteristic of Sidney Bliss. A strong interest in radio led him to help establish a local radio station, to pioneer in FM radio, and to broadcast a popular children's program. His ideas touched on the mechanical, the administrative, and the journalistic aspects of newspapering. Local government, charities, and service clubs benefited from his enthusiasm and leadership.

Sidney Bliss became the third generation member of his family to continue publishing the Janesville Gazette, which began in 1884.

His passing last week in Wisconsin is marked by sadness throughout the Wisconsin journalistic community, by his friends and neighbors, and by many, many others throughout the country.

I ask unanimous consent that an editorial and news article dealing with Mr. Bliss' death be printed in the RECORD.

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

[From the Janesville Gazette, June 18, 1969]

SIDNEY H. BLISS

In the communications arts, the secret is involvement in community relationships. Sidney H. Bliss was intimately concerned and active at the inception of such affairs in the Janesville area.

To the development of the community he lent ideas and enthusiasm that spell leadership. In the pioneering of Janesville's first radio station he originated and participated in such programs as "Uncle Sid's ABC Club" for children. He conceived the usefulness of the Janesville Gazette's annual "Land of Black Hawk" vacation edition and his foresight broadened the influence of both newspaper and radio stations WCLO and WCLO-FM.

"Sid" Bliss was immersed in the germination of community ideas, carrying through in the Chamber of Commerce, the Community Chest, special events and in such promotions as the annual Gazette-WCLO Fishing Contest.

He loved his home on Geneva Lake, the thrill of sailing, the companionship of golf, the reach of flying and especially the warmth of his friendships and family. His lot included both joy and tragedy and his life was filled with bounding hope and fulfillment.

"Sid" Bliss fully appreciated the enduring character of his newspaper and radio responsibilities. As a third generation publisher he felt the burdens of a worthy heritage. This included a loyalty and responsibility to a large audience of readers and listeners, an assurance that ideals long established will endure.

So, beyond the death of Sidney H. Bliss the strength he contributed will persist in the growing service to the public of The Janesville Gazette and the WCLO radio stations.

[From the Janesville (Wis.) Gazette, June 18, 1969]

SIDNEY BLISS RITES FRIDAY

Sidney H. Bliss, for 32 years the co-publisher and president of the Gazette Printing Co. and president of Southern Wisconsin Radio Inc., died yesterday afternoon in the Homestead Convalescent Hospital in Delavan.

He had been ill for two years, having suffered a stroke in May, 1967. He was 68 years old.

In his position as president of both corporations, Bliss was instrumental in the development of Radio Station WCLO, which he helped to establish in 1930, and in the growth of the Janesville Gazette.

During his period at the Gazette, newspapers throughout the country came into their own. The competition of radio, and then television, created a greater demand for national and international news in the local newspaper.

Bliss saw the circulation of the Gazette increase in his time from 13,000 to more than 27,000, reflecting the growth of the Janesville community which in itself has doubled in size in the past few years.

Bliss also was a key figure in the development of the new Gazette-WCLO building and the conversion of the newspaper plant from hot metal letterpress into a cold type offset type of production.

LONG RADIO HISTORY

His interest in radio extends back to his days as a teen-ager. Even before radio, Bliss had built and operated a wireless station—and had it licensed by the government from 1914 through 1917. He supervised the construction of WCLO and was directly responsible for its operation for many years. He was a charter member of the Wisconsin Network, composed of radio stations in nine Wisconsin cities and was a board member of the association. He also was a member of the board and legislative committee of Wisconsin Broadcasters Association. He was a pioneer in FM broadcasting, inaugurating WCLO-FM in 1948, long before FM had the general acceptance it enjoys today.

He is well remembered in the WCLO listening area for his popular late afternoon radio show for children many years ago—"Uncle Sid's ABC Club," in which he would read to the children, perform for them and direct them in radio playlets.

Bliss was born in Janesville on March 17, 1901, and attended Janesville schools, graduating from Janesville High School in 1919. He attended the University of Wisconsin at Madison where he was a member of Sigma Phi Fraternity.

He began his work in newspapering with the Minneapolis Journal and while there, developed techniques in classified advertising sales which subsequently were accepted by the industry as a whole.

THIRD GENERATION

He joined the Gazette in 1923, to become a third generation member of the Bliss family which has published the Janesville Gazette since 1884. He served as display advertising manager of the Gazette and also helped establish WCLO in 1930.

Upon the death of his father, Harry H. Bliss, in 1937, he and his brother, Robert W. Bliss, became co-publisher of the Gazette. At that time he also was appointed president of the Gazette and of Southern Wisconsin Radio, Inc.

For the past 35 years Bliss had lived in Fontana on Geneva Lake where he actively pursued his sailing interests. For years he raced his own Class E sloop in regattas held by the Inland Lakes Yachting Association, of which he was a member.

ACTIVE IN JANESVILLE

In Janesville he was active in the Chamber of Commerce, once served as chairman of the Community Chest drive, was a committeeman for the Boy Scout Council and was a director for many years of the Rock County Savings and Trust Co. and the Rock County National Bank. He was a member of the Lions Club and the Elks Club.

He was a member of the First Congregational Church in Janesville and the Fontana Community Church.

On Nov. 20, 1946, he married the former Rose Mary Holzmiller of Lake Geneva in Milwaukee. They had two sons, Sidney H. Jr., now a student at Milton College and Timothy R., who graduated earlier this month from Big Foot High School in Walworth. His wife was killed in a riding accident in Arizona on April 12, 1958.

Surviving, besides his sons and his brother, are his mother, Mrs. H. H. Bliss, Janesville, and his sister, Mrs. Josephine Ross, Kenilworth, Ill.

A journalism scholarship fund has been established in his name. Contributions may be made to the Rock County National Bank.

Services will be at 2:30 p.m. Friday at the First Congregational Church in Janesville with the Rev. James L. Parker, pastor of the Fontana Community Church, officiating. Burial in St. Frances de Sales Cemetery, Lake Geneva, with the Rev. Harold J. O'Connor, pastor of St. Francis de Sales Church, officiating.

Friends may call from 7 to 9 p.m. Thursday at the Overton Funeral Home in Janesville.

The Gazette and WCLO business offices will be closed from 2:15 p.m. to 3:30 p.m. Friday to permit those employers who wish an opportunity to attend the services.

DAVID LUSHER—THE PASSING OF A FINE ECONOMIST

Mr. PROXMIRE. Mr. President, too often Members of Congress tend to iden-

tify economic policy—or any other policy, for that matter—with a single individual or a handful of public servants. We forget the complexity and just plain hard work of the decisionmaking process. We forget, or never hear of, the many public-spirited civil servants, who contribute greatly to our national welfare, but stand obscured in the shadow of relative anonymity.

One of these men was David Lusher, an economists' economist, who served long and well on the President's Council of Economic Advisors. His tenure as a Council staffer spanned the terms of five Presidents and seven Council chairmen. As vice chairman of the Joint Economic Committee, I was particularly interested in his work on measures having to do with full employment and economic growth.

Mr. President, I ask unanimous consent that an obituary on Mr. Lusher, published recently in the Washington Post, be printed in the RECORD.

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

DAVID W. LUSHER, 59, DIES; ON ECONOMIC COUNCIL STAFF

David W. Lusher, 59, a member of the senior staff of the President's Council of Economic Advisors since 1951, died yesterday at Georgetown University Hospital. He had suffered a stroke on June 4.

Mr. Lusher played a key role in guiding national economic policy while serving under five presidents and seven council chairmen. His role was appreciated by his fellow economists, if often not publicized.

An independent-minded adviser, he was noted for sticking to his judgment and not accepting a recommendation without a thorough examination of its merit. He was one of the first to argue the need for the 1964 tax cut.

Mr. Lusher's influence on the development of the council itself was great. Walter Heller, one of the council chairmen under which he served, once said, "Dave is the hub of an information system that reaches not only into all parts of Government but into private industry."

Mr. Lusher prepared many economic forecasts for the White House. Over the years he particularly focused on measures to maintain full employment and economic growth.

Born in Montreal, he graduated first in his class at McGill University and then earned master's and doctoral degrees in economics at Harvard.

He later taught at the Massachusetts Institute of Technology and Bowdoin College. He was one of the small group of professors that paved the way for American acceptance of the deficit-financing theories of John Maynard Keynes.

Mr. Lusher came to Washington in 1942 and served with the Office of Price Administration during World War II. He was a member of the Paley Commission that reviewed the Nation's postwar economic prospects.

After the war, he transferred to the United Nations' Food and Agricultural Organization, serving there until 1951.

"He had a lot of opportunities to leave for academic posts, but he never wanted to leave the center of action," a friend of Mr. Lusher said yesterday.

Mr. Lusher is survived by his wife, Edna, of the home, 3850 Tunlaw rd. nw.; a daughter, Mrs. Ellis London, of Northboro, Mass.; a son, Jonathan, of the home, and a brother, Joseph, of Montreal.

ADDITIONAL JUDGES FOR THE DISTRICT COURTS

Mr. MURPHY. Mr. President, yesterday, the Senate passed S. 952, a measure providing additional judges for the U.S. District Courts across the country.

I was pleased that included within the measure were the recommendations for additional judges in California as provided in my bill, S. 852.

S. 852, which I introduced on February 4 of this year, authorized two additional judges for the Northern District of California—bringing the total number of judges to 11—and three additional judges for both the Central and Southern Districts of California—bringing their totals to 16 and 5 respectively.

S. 952, reported out of the Judiciary Committee and approved by the Senate, provides for the same number of judges as my bill recommended.

Mr. President, the crime problem is a complex one. S. 952, providing for additional judicial manpower for the district courts, is only one part of the answer. Our approach to the spiraling crime rates must be comprehensive encompassing all phases of the crime problem—prevention, prosecution, and correctional. Last year, a major step in the Nation's war on crime was taken with the enactment of the Omnibus Crime and Safe Streets Act of 1968, which provided Federal assistance to States for planning and action programs for a comprehensive attack on crime. California, I am pleased to say, was the first State to receive a grant under this act.

Providing adequate manpower so that courts may dispose of cases before them in a reasonable time is a must. According to the annual report of the Director of the Administrative Office of the U.S. Courts, 30,714 criminal cases were commenced in U.S. district courts in 1968. The district courts were able to terminate 1,200 cases, less than the number filed. Thus, increasing the total number of criminal cases pending on June 30, 1968, to 14,763. This figure is 9 percent greater than the number pending on the same date a year earlier. Since 1955, the total number of criminal cases pending has increased by 71 percent.

Further, Mr. President, the annual report tells us that of the 14,763 criminal cases pending on June 30, 1968, 2,408 had been pending from 6 months to a year, 2,055 had been pending more than a year, but less than 2 years, and 1,974 had been pending over 2 years.

Mr. President, recently the Washington Star carried a series of articles, entitled "The Courts vs. Crime." One of the articles, "Delays Frustrate D.C. Justice, the writer says:

In criminal cases, each continuance is like a grain of sand. Enough will clog the machinery of justice—perhaps even stop it entirely in some cases.

Delays in disposing of a criminal case inevitably means that many defendants are free in the community pending their trial. Often this fact has produced tragic results.

In short, Mr. President, additional judges are direly needed in my State of California, and I certainly am pleased that the Senate has acted promptly on this measure. I hope that the House will also act expeditiously so that relief may be forthcoming to our overworked judicial system.

DR. JEAN MAYER

Mr. McGOVERN. Mr. President, President Nixon has selected as Director of the October White House Conference on Food, Nutrition, and Health one of the most outstanding experts on nutrition in the country, Dr. Jean Mayer, professor of nutrition at the Harvard School of Public Health.

Dr. Mayer was the first witness before the Select Committee on Nutrition and Human Needs. He is one of the most perceptive, energetic, and knowledgeable experts on problems related to hunger and malnutrition in the country. I do not think the President could have made a wiser choice and I am sure that the selection of Dr. Mayer will assure the success of the White House Conference.

On June 15, 1969, the Washington Post published a profile of Dr. Mayer written by Spencer Rich. 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:

NEW HUNGER CHIEF ALSO PERTURBED BY OVERFED

(By Spencer Rich)

When Dr. Jean Mayer was fighting his way up the Italian coast with Allied forces in World War II, he noticed something which he now cites to illustrate a great truth about nutrition: the silent schoolyards.

"Everywhere I went in Italy, and later in France, one thing that really struck me was how quiet the children were," said the one-time Free French fighter and current Harvard professor who has been chosen by President Nixon to organize the October White House Conference on Food, Nutrition and Health.

"Usually, boys' playgrounds are like a madhouse. The children are running around, jumping, shouting, playing ball, and there are always a few fights going on," said Mayer.

"But those boys' playgrounds were not like that at all. The children were just huddled around quietly talking. This was clearly the result of decreased vitality due to mild malnutrition. And it shows that good levels of feeding do make a difference in whether you sit around and wait for something to happen or go to the next town and look for a job."

"You can't expect work and achievement out of people unless you feed them properly. It's as simple as that," said Mayer, adding that no elaborate theories of genetic differences or brain damage were needed to help explain why some children learned faster or some groups worked harder than others.

"Even the Nazis found that they couldn't get people to work, even by beating them up, unless they had food. If you have kids who've had no breakfast and no lunch, they don't need brain damage to learn nothing," said Mayer, who retains his French accent after 25 years in this country.

"Just think how the attention of a well-fed bureaucrat begins to lag if he doesn't have lunch by 1 p.m. or so. The body and mind compensate for less food by expending less energy. If you don't put fuel into a machine, it doesn't run. Nutritionists spent

the whole 19th century finding this out, but now we know it."

Mayer's story of the silent schoolyards reflects two aspects of a career: his fabulous experiences in World War II in campaigns all over Africa and Europe, and his later distinction as a nutritionist, particularly for studies on cholesterol and cardiovascular problems.

Mayer is a man of only moderate size and of mild manner, though with a touch of Gallic jauntiness. But Government officials had better put out of their heads any notion that he will be an easy mark in bureaucrat infighting over the hunger issue in the months between now and the October White House conference.

For Mayer demonstrated repeatedly on a dozen battlefields of World War II that he is a very tough man, and he has a raft of medals to prove it: Croix de Guerre, Resistance Medal, Knight of the Legion of Honor.

In the more recent past, he has shown that his fighting spirit is still alive by taking some healthy whacks at both the Johnson and Nixon Administrations for not moving fast enough on feeding the poor.

Mayer (pronounced "My Air") was born in 1920 in Paris. His father, Andre Mayer, who died in 1956, was an outstanding physiologist who at one time was president of the French Academy of Medicine and was a member of the League of Nations' Commission on Hunger in the 1930s. The elder Mayer, through discussions with Eleanor Roosevelt, who then carried the idea to President Roosevelt, helped bring about the creation of the United Nations Food and Agriculture Organization after World War II.

THREE DEGREES AT 19

Jean Mayer was only 19 when World War II broke out in 1939, but was something of a child prodigy and already held three degrees, including a master of science, from the University of Paris. In the summer before the war broke out, he visited friends of his father at Harvard and "fell in love with the place." But his desire to live and work there had to be postponed.

When the war started, he became a second lieutenant in the French armed forces. In June, 1940, as Guderian's panzer divisions were rolling back the British and French armies along the Channel coast, Mayer was captured south of Dunkirk. He was taken to a prison camp at La Rochelle but escaped after 24 hours by shooting a sentry with a gun he had managed to conceal.

"Did the sentry die?" he was asked.

"Listen, I didn't stay to find out. I just got out of there."

He escaped to Vichy France, where he worked for a time with the underground and for British Intelligence. When things got very rough, he went with false papers to the United States by a roundabout path—first to Morocco, then Martinique, the Virgin Islands, Puerto Rico and Harvard again.

"There I fell in love with a young, good-looking girl, a Vassar English major who was working at Harvard Medical School as sort of the chief of secretaries. I announced the first day I met her that I would marry her."

He did marry Elizabeth Van Huysen, in 1942, and they now have five children, but for 3½ years after the marriage he didn't see her because he was serving on North Atlantic convoys and fighting with the Free French and Allied armies in the African, Italian and Southern France campaigns.

"In London for a while, I was a member of de Gaulle's private staff, and I have great respect and affection for him. One of the things I appreciated most was his sense of humor, something you don't often hear about over here."

In Africa, he commanded a Free French battery in Gen. Montgomery's British Eighth Army. In Italy, he was a forward division observer with a Free French unit in the American Army and claims that he was in the second jeep to enter Rome.

"I fought from Cassino to Siena, and I was not too far away at the bombardment of Monte Cassino (a famous monastery shelled by Allied troops because it was being used as a German strongpoint), but my position was a little down the line."

As the only forward divisional observer who had gone through the entire campaign alive (18 others were killed), he was the most experienced and was chosen to work with the Allied fleet during the 1944 landing in Southern France.

"My job was to land before anyone else with a small commando group, phone back to Admiral Cunningham, to whom I had a direct line, and direct the fleet's fire on targets—a very risky business. It was a long week. I suppose I was the first man to land in Southern France."

Later in 1944, during the famous German Christmas Day offensive at the Battle of the Bulge, "when everything was being thrown in to stop the Germans," Mayer commanded a "green but very brave" French Resistance unit. Its job was to hold its sector of the front for two days against an attack by the Hermann Goering Division. "We did it."

After the war, he decided to work in the United States and became a U.S. citizen. "It's a great place and I just didn't want to live anywhere else. In some ways, we have more problems than others, but we're more experimental and we can solve them."

He spent three years at Yale and got his Ph.D. in physiological chemistry in 1948, then a year working in Washington as a nutrition officer for the Food and Agriculture Organization. "This is a good city, a very interesting city," he said.

There followed a 1950 doctorate in physiology at the Sorbonne and since then his association with Harvard, where he is now a full professor of nutrition, a lecturer on the history of public health and a member of the Center of Population Studies.

In addition to his rather strong views on the need for feeding the hungry, Mayer is deeply concerned with the general nutrition of the whole population. He is world-famous for some of his studies on cholesterol and cardiovascular problems, which he views as a rampaging menace to middle-aged men.

In the past 20 years, the life expectancy of American men has not increased at all, and the United States now ranks 37th in this regard, he told reporters when he was sworn in as the President's special consultant on hunger last week. "Every European country but Spain and Portugal is ahead of the United States on this," he said in an interview later.

This is due in large measure to increased heart disease and other cardiovascular problems, Mayer said, and the main causes are too much fat in the diet, too little exercise, overweight and smoking.

"There is no question that exercise is of major help," says Mayer. "I studied an isolated Swiss village where people did hard physical labor for ten or more hours a day, and despite eating sandwiches concocted of two pieces of cheese with butter between them, which is loaded with the kind of stuff that causes cholesterol, they were better off on this score than a control group of racially similar persons in Basel which did little exercise.

For his own exercise, he walks a lot and plays tennis ("badly, though").

NONPARTISAN THUMPINGS

Mayer has given both the Johnson and Nixon Administrations some hard thumpings on food over the last few years, recently as head of the National Council on Hunger and Nutrition, a citizens' group from which he resigned last week to take the White House appointment.

"It was entirely nonpartisan," said a friend. "He just wanted them to do more to help feed the poor."

In 1967, he sharply criticized the use of herbicides to kill rice crops thought to be in Vietcong hands. He has criticized former Agriculture Secretary Orville L. Freeman and, somewhat more mildly, current Secretary Clifford Hardin for not moving fast enough on emergency feeding of the poor. He has called for a large expansion of free food stamps and child feeding.

But many veterans of the ferocious political fighting over hunger think that Mayer's record of criticism is all to his advantage and that of the Nixon Administration. It has clearly established his bona fides as a fighter for hunger and will make it more difficult for his allies in the hunger crusade to criticize the intentions of the Nixon Administration. It is believed that Mayer was chosen for the White House job on the recommendation of Daniel J. Moynihan, the President's Assistant for Urban Affairs.

In his personal life, Mayer is an interesting mixture of the European intellectual and the neighborhood American. The list of his lectureships, academic degrees, visiting professorships and scholarly papers fills several pages. But he likes Duke Ellington music as well as Beethoven, enjoys a baseball game ("Obviously, if the Red Sox win the pennant, I'll be very pleased") and has served on numerous local P-TAs, school boards and Boy Scout groups in the Boston area—as well as hunger inquiries and the poverty program Community Action Board there.

True to his own nutritional teachings, Dr. Mayer has one small problem now. He needs to find a place to live that is far enough from the Executive Office Building so he can get a good long walk to work in the morning.

RESOLUTIONS ON SOUTHERN AFRICA

Mr. BROOKE. Mr. President, conditions in southern Africa continue to be a matter of great concern to those of us who believe in the goal of liberty and justice for all. The continued and enforced separation of the races is not only unnatural, it is economically senseless and politically dangerous as well.

It is for these reasons that I was particularly pleased to read recently the resolutions adopted by the executive council of the Episcopal Church in the course of its deliberations in December of 1968. The intent of these resolutions is to insure that investments of the Episcopal Church will not be placed in banks or businesses whose policies contribute to maintaining the present way of life in South Africa, but will be used to support those institutions which are promoting the education and economic assimilation of black South Africans.

I ask unanimous consent that the text of these resolutions be printed in the RECORD.

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

RESOLUTIONS PERTAINING TO THE CHURCH'S INVESTMENTS IN SOUTHERN AFRICA AS ADOPTED BY THE EXECUTIVE COUNCIL DECEMBER 11 AND 12, 1968

I. *Resolved*, That the Executive and Finance Committee, on behalf of the Executive Council, examine and apply, in relation to the investments of the said Executive Council in companies and banks doing business in southern Africa, the following criteria:

(a) Is the bank or business making credit available to or doing business in southern Africa, especially including South Africa,

South West Africa, Rhodesia, Angola and/or Mozambique?

(b) If so, how significant is this involvement in the economy of the southern African country?

(c) If the involvement is significant, what is the effect in promoting such things as: Education of Africans; Development of family life; Labor-management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions; and be it further

Resolved, That, whenever the answers to criteria (a) and (b) are positive, then decision as to whether the Council invest and/or deposit the Church's fund or continue to invest and/or deposit in such companies and banks be dependent on the *how* positive is the answer to criterion (c); and be it further

Resolved, That, nonetheless, where feasible in promoting the welfare or education of all the people of southern Africa without regard to race, the Council consider investments in such companies or banks promoting such projects.

II. *Resolved*, That the Executive Council direct the Executive and Finance Committee to consult with the banks in which the said Council has deposits or investments, and which are members of the consortium extending credit to the government of South Africa; and that, unless the said Executive and Finance Committee concludes that the involvement of the said banks is positive in respect of helping to promote the activities listed in Section (C) of Resolution I, the Treasurer be directed to terminate the Council's involvement with such banks within a reasonable period of time.

III. *Resolved*, That the Executive Council report its action on the above Resolutions to the Committee on Trust Funds and request them to examine their investments and to take appropriate action along similar lines and request that the Committee report its actions to the Council as soon as possible.

IV. *Resolved*, That the Executive Council shall report its action on the above resolutions to the dioceses and parishes and request them to examine their own investments and to take appropriate action along similar lines. To accomplish this the Council shall send the resolutions to the dioceses along with appropriate background materials and request the dioceses to draw these actions and materials to the attention of the parishes and other groups in their jurisdictions in the implementation of the 1967 General Convention's "Resolution on Apartheid".

Resolved, That this Executive and Finance Committee does not conclude that the involvement of the banks participating in the Consortium Credit to the Republic of South Africa is positive in respect of helping to promote the activities listed below:

Education of Africans; Development of family life; Labor-Management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions.

and therefore directs the Treasurer of the Executive Council to terminate the involvement of this Council with the said banks (except overseas missionary accounts, and those only until other media of exchange can be found); and be it further

Resolved, that with respect to any bank participating in the Consortium, this action by the Executive and Finance Committee shall take effect immediately after the next annual renewal date of the line of credit in question, provided that such bank shall continue its participation in such line of credit thereafter; and be it further

Resolved, That the Executive and Finance Committee offer all assistance in its power which may aid the banks to understand the significance of the proposed action in the eyes of this Church and the profound concern which led to it.

THE TRAGIC STATE OF MEXICAN-AMERICAN EDUCATION—NARRATED BY DAVID SELDEN, AMERICAN FEDERATION OF TEACHERS

Mr. YARBOROUGH. Mr. President, during the hearings on the extension of the Elementary and Secondary Education Act being held by the Education Subcommittee, so ably chaired by the junior Senator from Rhode Island (Mr. PELL), the president of the American Federation of Teachers, David Selden, testified in support of S. 2218. As an attachment to his statement he included copies of the American Teacher. One article in the May issue of that publication deals with our failure to properly educate our Mexican-American citizens. As the author of the Bilingual Education Act of 1967, I wish to call attention to this fine article which clearly indicates that we must do more to help these citizens, whom we have neglected for so long.

Mr. President, I ask unanimous consent that the article "The Tragic State of Mexican-American Education" from the American Teacher be printed at this point in the RECORD.

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

THE TRAGIC STATE OF MEXICAN-AMERICAN EDUCATION

(NOTE.—Failure to provide education to hundreds of thousands of persons whose cultural heritage is "different" has resulted in shameful wastes of human resources. The melting-pot ideology that we speak of so proudly has not produced a normal climate in which all citizens are accepted on the basis of individual worth. Educators, especially, must search their consciences for an answer to the question: Is only monolingual, monocultural society acceptable in America? Never before has the need for equal opportunity for all Americans been so sharply put into focus. And no group is in greater need of equal educational opportunity than are Mexican Americans. This is a summary of the shocking report released recently by the USOE's committee on Mexican-American problems. It contains recommendations for an action program designed to immediately improve the quality of education among Mexican Americans.)

There are over five million Mexican Americans in the United States, 80 percent of whom live in California and Texas. Most of the others are found in Arizona, Colorado, New Mexico, Illinois, and Ohio. Over four million live in urban areas.

The Mexican American is the second largest minority group in the United States and by far the largest group of Spanish-speaking Americans. And we emphasize the term Americans. The fact that most of them have learned Spanish as their first language and that millions are not fluent in English makes them no less Americans. Their interests, attitudes, and aspirations do not differ from those of other Americans.

Yet they have been denied the opportunities that most other Americans take for granted. Suffering the same problems of poverty and discrimination of other minority groups, the Mexican American is additionally handicapped by the language barrier. The typical Mexican-American child is born of parents who speak little or no English, and thus Spanish becomes his only language. When he reaches school age, he is enrolled in a public school where only English is accepted. Bewildered and ashamed of his "backwardness," the Mexican-American child is quickly discouraged and drops out within a few years, enlarging the ranks of the uneducated, unskilled, and unwanted.

EIGHTY-NINE PERCENT DROPOUTS

Let's look at some shocking statistics.

The average Mexican-American child in the Southwest drops out of school by the seventh year. In Texas, 89 percent of the children with Spanish surnames drop out before completing high school.

Along the Texas-Mexico border, four out of five Mexican-American children fall two grades behind their Anglo classmates by the time they reach the fifth grade.

A recent study in California showed that in some schools over 50 percent of Mexican-American high-school students drop out between grades 10 and 11; one Texas school reported a 40 percent dropout rate for the same grades.

Mexican Americans account for over 40 percent of the so-called "mentally handicapped" in California.

Although Spanish-surnamed students make up over 14 percent of the public-school population of California, less than one-half of one percent of the college students enrolled in the seven campuses of the University of California are of this group.

These facts give tragic evidence of our failure to provide genuine educational opportunity to Mexican-American youth; and today there are nearly two million of these children between the ages of 3 and 18.

NOT ENOUGH AID

It can't be said that nothing has been done for these youngsters. The federal government, through the Elementary and Secondary Education Act (ESEA), has given a good deal of financial aid to schools for the purpose of improving the education of Mexican Americans. Although a few millions of dollars have been spent, hundreds of millions still need to be spent—and for hundreds of thousands of Americans it is even now too late. State and local agencies have spent respectable sums of money—and even more energy—in behalf of the Mexican American, but none has given the problem the really massive thrust it deserves.

INVOLUNTARY DISCRIMINATION

Money is only one problem. Perhaps an even more serious one is the problem of involuntary discrimination—that is, our insistence on fitting the Mexican-American students into the monolingual, monocultural mold of the Anglo American. This discrimination, plus the grim fact that millions of Mexican Americans suffer from poverty, cultural isolation, and language rejection, has virtually destroyed them as contributing members of society.

Another problem is that we have not developed suitable instruments for accurately measuring the intelligence and learning potential of the Mexican American child. Because there is little communication between educators and these non-English-speaking youngsters, the pupils are likely to be dismissed as "mentally handicapped." Common sense tells us that this is simply not so.

The chasm that exists between the teacher and the student in the classroom is even wider between the school and the home, where there is virtually no communication. Such lack of understanding soon destroys any educational aspiration the pupil might have or that his parents might have for him.

SIX CRITICAL ISSUES

The committee believes there are six critical issues in the improvement of Mexican-American education:

Issue No. 1: The existing educational pro-

grams for the Mexican American have been woefully inadequate and demand serious evaluation.

Issue No. 2: Instruments are lacking for measuring intelligence and achievement potential of Mexican Americans.

Issue No. 3: A very small percentage of Mexican-American students who could qualify for college work actually enroll.

Issue No. 4: Legal restrictions in various states discourage instruction in languages other than English.

Issue No. 5: There is an exceedingly high dropout rate of Mexican Americans in public schools.

Issue No. 6: Society has not recognized, or at least accepted, the need for a multilingual, multicultural school environment.

HOW CAN WE ATTACK THE PROBLEM?

The Mexican-American Affairs Unit of the U.S. Office of Education has identified four imperatives for educational success of the Mexican American:

1. Preparation of teachers with the skills necessary to instruct Mexican-American pupils in such a manner as to insure learning success. This includes bilingual capability.

2. Instruction in both English and Spanish so that the mother tongue is strengthened at the same time the pupil is learning a second language, and then using both languages concurrently. This bilingual instruction must take place in all curriculums and at all grade levels until the student is thoroughly at home with his second language.

3. Instruction to preschool Mexican-American pupils so that they are more ready to take their place with others by the time they enter school.

4. Complete programs for adults in both basic education and vocational education.

THE VEHICLES ALREADY EXIST

The vehicles for achieving the foregoing imperatives already exist:

1. Teacher preparation: Educational Personnel Development Act, Bilingual Education Act, Title I, ESEA.

2. Bilingual education: Title VII, ESEA Bilingual Education Act.

3. Early childhood education: Head Start and Follow Through, Title I, ESEA.

4. Adult basic and vocational education: Amendments to the 1963 Vocational Education Act.

BLUEPRINT FOR ACTION

Once we have faced up to the critical issues and recognized the imperatives, the committee recommends specific action on several fronts.

General

1. We must immediately begin to train at least 100,000 bilingual-bicultural teachers and educational administrators.

2. We must make use of current knowledge and encourage further research to assist in creating educational programs that promise learning success for the Mexican American.

3. We must agitate for priority funding by the U.S. Office of Education to develop educational programs immediately.

4. We must see that testing instruments are developed that will accurately measure the intelligence and achievement potential of the Mexican-American child.

5. We must promote programs to assist state legislatures in taking the necessary action to permit instruction in languages other than English.

6. We must help the various states to recognize the need for statewide programs in bilingual education.

7. We must provide assistance through federal funds, to Mexican-American students in pursuit of a college education.

8. With the leadership of the federal government, we must increase the adult basic education and vocational programs, to equip the Mexican-American adult with skills and knowledge necessary to become a partner in our economic society.

9. We must encourage parental-involvement programs at the state and local levels.

10. We must encourage state and local education agencies to use more effectively the Mexican-American personnel on their staffs.

11. We must foster a joint effort of the federal government and private enterprise to produce instructional materials that are designed expressly for Mexican-American students.

Federal Legislation

1. Increase the funding of Title VII, ESEA, to $150 million for the year 1970, to provide a minimum of $100 per child for relevant educational services for the Mexican American.

2. Increase the funding of Head Start and Follow Through by 10 percent, to provide a sufficient financial base to meet the needs of many Mexican Americans not presently served by these programs.

3. Continue the present funding level of the Migrant Education provision of Title I, ESEA.

4. Continue Title VII, ESEA, as a discretionary program administered by the U.S. Office of Education.

5. Continue Title VIII, ESEA, Dropout Prevention Act, as a discretionary program administered by the U.S. Office of Education, and increase its funding for 1970 to $50 million.

6. Increase the funding support of Title IV–A of the Higher Education Act, Educational Opportunity Grants, by 15 percent, to be directed toward college enrollment of Mexican Americans.

7. Establish a land-grant college, with specific responsibility for programs and research related to the bilingual-bicultural student.

8. Amend Title I, ESEA, to permit the use of funds for the education of Mexican Americans whose incomes may not qualify them, or, as more often is the case, whose children may not qualify because of cultural heritage.

State Legislation

1. Remove legal barriers to instruction in the public schools in languages other than English.

2. Appropriate and identify supplementary funds for support of specialized programs for the Mexican American.

Administration—U.S. Office of Education

1. Expand the responsibility of the Mexican-American Affairs Unit of the office of the Commissioner of Education, to include all Spanish-speaking professionals.

2. Continue to press for employment of Mexican-American professionals and junior professionals in all units of the U.S. Office of Education.

3. Allocate specific funds for determining the most effective direction in research for the Mexican American.

4. Develop an intensive program of information on the educational needs of the Mexican American.

Administration—Chief State School Officers

1. Seek out and employ Mexican Americans in policy and administrative positions in state departments of education, and encourage a similar program in local education agencies.

2. Set up a unit for coordinating and encouraging the development and operation of programs for the Mexican American.

3. Develop a statewide program for bilingual education.

4. Promote the redirection of priorities in the use of Title I, ESEA, funds, to focus on bilingual-bicultural programs.

5. Promote the increased involvement of the Mexican American in advisory committees in local educational programs.

AIR TRAFFIC CONGESTION

Mr. PEARSON. Mr. President, the Kansas City Times lead editorial of June 19, 1969, points out the needs for airport/airways development in our Nation and endorses the recent administration proposal as the "best approach in sight."

I think one point made in the editorial deserves emphasis and that is the inadequacies of a continued dependence on the Federal appropriations process to fund air transportation development. There must be set aside an account which can be used for airport and airway funding and which is financed by those who use and benefit from the system most.

Mr. President, as you know, the Senate Commerce Committee last year reported favorably to the full Senate a bill quite similar to the administration proposal but this body failed to take further action. It is my hope that the committee can analyze these two alternatives and come up with a workable solution to the pressing needs of air transportation.

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

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

THE CRISIS IN THE AIRWAYS DEMANDS A BOLD NATIONAL SOLUTION

The congestion that is all but throttling the nation's system of air transportation can be relieved only by action of comparable sweep to the interstate highway program. President Nixon has sent Congress a set of proposals which might or might not prove equal to the scale of the problem. At least they would go far to make up for years of neglect in providing for an adequate network of airways and airports.

Any air traveler, however occasional, is aware of the results of too little investment in aviation facilities. As President Nixon said in his message to Congress, air travel's purpose of saving time is not served "when passengers must wait interminably in terminals; when modern jet aircraft creep at 5 miles an hour in a long line waiting for take-off; when it takes longer to land than it takes to travel between cities, or when it takes longer for the air traveler to get to an airport than it does to fly to his destination."

It will require a great deal of money—more than has been spent during the entire century to develop the present system of airports—to end the present congestion and make flying safer. Moreover, the present situation will get much worse unless early and extensive measures to correct it are initiated. Based on current trends, air usage will double by 1975 and triple by 1980.

Against this background Mr. Nixon has proposed a 5-billion-dollar program to modernize and expand the country's airports and airways over the next 10 years. The federal contributions to the plan would be financed largely by an increased tax on airline tickets and on fuels used by general aviation. A 2.5-billion-dollar expenditure in federal aid would be matched 50–50 by state and local governments. The federal part of this funding would go into a separate account, similar to the highway trust fund now used to pay for the interstate and other federally-aided road programs.

In the past federal aid to aviation has come out of the general fund of the Treasury. The total has never exceeded 75 million dollars a year in contrast to the 250-million level that has been recommended. The inadequacy of the existing effort is indicated by the fact that Congress appropriated only 30 million for this fiscal year. That level is not nearly high enough to make air transport ready for the constantly accelerating demands of the jet age.

Approval of the presidential proposal—with

the users of aviation facilities rather than the general taxpayer picking up the federal part of the tab—is far from assured. Last year a less ambitious plan with the same main objective was pigeon-holed by the Senate's commerce committee. The objections came chiefly from general aviation's private fliers and company aircraft operators who protested higher levies on fuel.

But the clogging of the airways has reached a critical stage from the standpoint of both public convenience and safety. Training many more air traffic controllers is essential but that alone cannot solve the fundamental problem. The long-range program now before Congress is the best approach in sight.

FORCED LABOR CONVENTION SHOULD BE RATIFIED

Mr. PROXMIRE. Mr. President, the human rights provisions of the United Nations Charter dynamically reflect the reaction of the world to the horror of the Second World War and to the tyrannical regime which precipitated it. World War II conclusively proved the existence of a correlation between the outrageous behavior of a government towards a segment of its own citizenry and its aggressive policies towards other nations, between respect for human rights and the maintenance of peace. The experience of the war resulted in the acceptance of the conviction that effective international protection of human rights was one of the essential conditions of peace and progress. Indeed, our late President John F. Kennedy frequently repeated his position:

> Is not Peace in the last analysis basically a matter of human rights?

One of those basic rights is the right of man to be free from the yoke of forced labor.

When President Kennedy submitted his package of human rights conventions to the Senate for ratification in the summer of 1963, included among them was the Convention Concerning the Abolition of Forced Labor. This convention has not yet been ratified. Apparently, opposition to it has centered around the controversial first and fourth clauses of the first article which state:

> Each member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor:
>
> (a) As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; and
>
> (b) as a punishment for having participated in strikes.

Those opposed to ratification seem to be worried about the possibility of a conflict between the provisions stipulated in the convention and, first, Federal and State laws prohibiting persons who strike against the Federal or State government from accepting employment or holding office, and second, the 90-day injunction period of the Taft-Hartley Act. They claim that under the terms of this document it would be illegal to convict and sentence to prison labor violators of injunctions and those who struck against the Government. In addition, opponents wonder how this convention would affect the requirement of civilian service or labor as an alternative to military service for conscientious objectors.

But some of the leading authorities in the field of labor law dispute this line of argument. Former Secretary of Labor Willard Wirtz has concluded that the subject matter of the convention "is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, and there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that with regard to illegal strike activities, any such punishment would only come about 'as punishment for crime whereof the party shall have been duly convicted.'" Another former Secretary of Labor and a preeminent authority in this field agrees. Arthur Goldberg, former U.S. Ambassador to the United Nations, testifying before the Foreign Relations Committee's Subcommittee on Human Rights in 1963, stated that this treaty would not prohibit punishment for participation in illegal strikes, or strikes in violation of court orders. In addition, Mr. Goldberg specified that there would be no conflict under the terms of the convention inasmuch as forced prison labor would be for contempt of an injunction rather than for the act of striking itself or for holding office after striking against the Government rather than for the act of striking itself.

Mr. President, not only are the above two men highly intelligent, able, and qualified lawyers, but they also held very important and responsible positions in the previous two administrations. No one could conceivably question their loyalty to the United States and its governing Constitution or their concern for acting on behalf of the interests of the United States. In fact, Arthur Goldberg has stated more than once that we played an important part in the formulation of the human rights conventions because "actions in this area which are intended to elevate the standards of the world community are very much in the national self-interest of the United States." Hence, I am firmly convinced that when they conclude that the ratification of this convention would not perpetrate any conflict of interests, they most assuredly know what they are talking about.

I have been concentrating on the legal side of this matter, but let us not forget other considerations. Prof. Richard N. Gardner of Columbia University has stated:

> As long as the United States abstains from ratifying any Human Rights Convention in the U.N., it will necessarily diminish our influence in drafting other convention.

Moreover, Arthur Goldberg has enunciated:

> The cause of Human Rights is inseparable from the cause of peace . . . and the withholding of these rights is one of the prime causes of dangerous international friction.

Mr. President, we cannot afford to wait any longer. As Mr. Goldberg has eloquently pleaded:

> We must demonstrate that this nation will not stand aloof from a major world effort to elevate human rights.

I urge Senators to join with me in working for the immediate ratification of this Convention on the Abolition of Forced Labor.

ENDANGERED CIVILIZATION

Mr. SAXBE. Mr. President, the Sunday Star of June 22, 1969, printed an article on Mr. Will Durant, a "statesman of American letters." I ask unanimous consent that the article be printed at this point in the RECORD.

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

CIVILIZATION ENDANGERED IN ITS VERY FOUNDATIONS

(By Will Durant)

(NOTE.—At 83, Will Durant, an elder statesman of American letters, has seen vast changes occur in the United States. In a recent commencement address to the graduating class of the Buckley School for Girls in Los Angeles—of which his granddaughter was a member—the noted philosopher-historian gave his views on the current turbulent American scene. Following is a partial text of the address.)

It is good that the young should rebel and the old should resist; it is essential that minorities shall be heard; and one of the admirable aspects of the contemporary scene is the patient maintenance of free speech and minority rights by democrats tempted to answer force with super-force, joining in the martial march of authoritarian governments.

But the time has come for old and young to realize that civilization is endangered in its very foundations, that the social order that tamed us from savages into citizens is weakened in all its supports, and that the fruits of democratic progress may in a generation be lost in a contest between permissive anarchy and a police state.

What can we oldsters do about it? We can listen to the cries of the disadvantaged and dispossessed, and open the ways to controlled experiment with new ideas. We can check our racial antipathies by realizing that whichever side wins in violent clash of races or classes, democracy, humanity, and security will disappear.

We can try to cleanse the avenues and halls of politics so that one need not be a millionaire to be eligible to the presidency. We can join the young in restraining our government from undertaking to police the world instead of bringing hope and health to the poor.

If we can check our rush into imperialism we have the resources to educate every American for profitable employment even in our ever more automated and computerized society. We have been clever and generous enough to spread the benefits of our inventiveness, enterprise, and skill to 80 percent of our people—the greatest achievement in economic history; we are learning to let consumption keep up with production.

Two more generations, given enlightened leadership in government and industry, may reduce the impoverished 20 percent to 15 percent, to 10 percent to 5 percent to zero. That would be the fulfillment of Amos and Isaiah; it would be the resurrection of Christ.

And what can you privileged youngsters do? First, continue to study. It is not true that education will merely plunge you into a coarsening race for material rewards; it will enlarge your understanding and make you more patient with complex problems, and the shortcomings of men.

Study the roots of our crime and corruption, our economic inequities, and our political failures, see how strong those roots are

in the processes of biology, in the nature of man, and in the centuries of history.

Reconcile yourselves to modest and gradual improvements after your proposals have faced the necessary test of conservative resistance. Continue to express your dissent and your needs, but remember to remain civilized, for you will sorely miss civilization if it is sacrificed in the turbulence of change.

Beware of those who take their vocabularies from privies; they are trying to cover up their lack of confidence in their own manhood by leveling you with themselves. Wear your hair and your feet as you like, but keep them clean, and do not add to the pollution of the air. Watch your sexual freedom that it should bring no hurt to others or yourself. Lasting affection—the most precious gift of life—is rarely won by hasty accommodation to irresponsible desire.

Do not let the pessimism of contemporary thought darken your spirits; this is the passing mood of a transitional age, when we have waged shamefully barbarous war, when the blackest sins of our history demand atonement and when some of our fairest myths have faded and left a somber emptiness where once they chastened our conduct and warmed our hearts. Do not yield to the mechanistic philosophy that grew from a physics long since rejected by physicists; man can make marvelous machines, but he is not a machine; let not the work of your hands conceal the miracle of your minds. Every one of you is a mystery of rational consciousness; every girl among you is a temple and glory of creative life.

Do not believe those dispirited spirits who call progress a delusion; progress is intermittent, but it is real. A hundred advances that I pled for in my youth—like higher wages, more humane employment, governmental checks on private industry, the partial redistribution of wealth through the welfare state, the spread of comfort and leisure, the extension of education, the multiplication of colleges and universities, the freedom of speech, assemblage, and the press, the access of every American to the ballot, to public office, to the professions, to the Supreme Court—all these have become accepted parts of the American system since my wife, Ariel, and I agitated for them in our political puberty. If the founders of our republic could return from their graves they would marvel at our advances, and would brand our pessimists as ingrates whining because perfection has not been laid at their feet.

I believe that we shall solve, or dissolve, within the limits of our nature, one after another of the problems that harass us today. Already our government, through a maze of difficulties, is seeking to end a disastrous war. Our ethnic minorities will enter in ever greater number into our high schools, colleges, and universities; they will get the courses that their pride may claim, and those that their adjustment to technology requires; they will rise in industry, in the professions, in the arts and sciences, and in public office; they will become established parts of the American scene as did our German-Americans, our Irish-Americans, our Italian-Americans, our Polish-Americans, our Jewish-Americans, even a French-Canadian-American like me.

And, like their predecessors, they will lower their birth rate as they raise their income; and the urban ghettoes will relieve their pressure and their poverty by following a hundred outlets into American life. It will take more time and patience than before, but it will come, or America will lose its meaning in the history and inspirations of humanity.

MISSION TO BIAFRA

Mr. NELSON. Mr. President, for 2 years, the Nigerian-Biafran controversy has continued taking thousands of lives and shocking concerned people throughout the world.

Many of us in the Senate have been quite active in trying to bring some relief to the thousands of helpless people who have been the victims of this civil war.

Bringing medical supplies and food through international relief organizations to the Biafrans has to some degree relieved the enormous sufferings.

But yet the death toll mounts, stories still are reported of the massive suffering that exists within the Biafran community.

In an effort to get a first hand account of the actual situation, Mr. Sherman Stock, a member of my staff traveled to Nigeria-Biafra earlier this year.

His report to me was very enlightening while at the same time quite depressing. The experiences that he encountered and the misery that he witnessed heightened my concern over this matter.

Since returning to the United States, Mr. Stock has spoken widely to organizations and individuals in Wisconsin about the seriousness of the situation in Biafra. In addition to his articulate accounts, Mr. Stock took many pictures that make his lectures even more meaningful.

Recently, Mr. Stock wrote an article entitled "Biafra at 2: A First Hand Report on How It Survives" which appeared in the Milwaukee Journal. I ask unanimous consent that this highly informative article be printed in the RECORD.

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

BIAFRA AT 2: A FIRST HAND REPORT ON HOW IT SURVIVES

(By Sherman E. Stock)

The converted Super Constellation flew northward in sunlight above a heavy cover of turbulent clouds that marked the start of the west African rainy season. We were carrying a cargo of 30,000 pounds of cod liver oil from the tiny Portuguese island of Sao Tome to the ragged remnants of the Republic of Biafra. I was on assignment from the office of Sen. Gaylord Nelson to observe relief operations and make recommendations regarding the role of the United States in alleviating reported mass starvation. I also had a personal reason for making this journey.

While returning home from Washington, D.C., four years ago, I had met a Nigerian education official, Godwin Chimaroke, who was on a tour of cities, including Milwaukee. I recalled favorable reports about Nigeria, a former British colony considered a model among emerging nations. However, Chimaroke spoke with great emotion and bitterness of internal troubles which threatened to erupt into major violence.

We spent much time together during his several days in Milwaukee, parted as good friends and agreed to correspond regularly.

In the next few months occasional news stories cited instances of Nigerian discord. But events moved rapidly after the June, 1966, massacre of thousands of Chimaroke's Ibo tribesmen. Within a few months the Ibos established the Republic of Biafra in eastern Nigeria. Civil war followed.

TOTAL DESPERATION

All but a few of my letters to Chimaroke were returned. Two of his reached me. Both struck a note of total desperation. The last arrived in May, 1967.

Now, about two years later, here I was crouched behind the pilot of a relief flight into Biafra in search of a highway which served as an airstrip and the only entrance to the country.

Two-thirds of the 375 mile flight was over international waters. The remainder traversed Nigerian controlled territory, where gunboats, antiaircraft weapons, MIG fighters and Ilyushin bombers regularly assaulted the food flights. All the relief aircraft had sustained damage. Four had been destroyed.

Ours was the first flight of the day. It was timed to get us to Biafra in the first minutes of darkness.

We approached the African coast at 15,000 feet, which was considered safe from ground fire. However, a faulty radar forced us to seek concealment from Nigerian aircraft in the tropical storm raging below. The turbulence proved too great, compelling us to risk descending below the clouds. We broke out directly over the coast. The Niger river delta and its tangle of outlets to the sea were clearly in view. A gunboat was below to our right. It did not fire.

As we moved inland, night swallowed the shapes and forms below. Only a geometric pattern of tiny refugees campfires interrupted the darkness. Somewhere down there was the Uli airstrip. I wondered how we could find it without lights or radar while maintaining radio silence.

TWENTY SECONDS OF LIGHT

After what seemed an interminable length of time, a radio voice from the ground broke the silence to tell us that we were approaching slightly to the right. The pilot immediately made a steep, descending bank to the left. Within a few seconds two long strings of lights flashed on for 20 seconds; any longer time would allow the crew of the Nigerian bomber that circled the field each night enough time to lock in on a target. If we weren't on the ground before the lights went out, we would be forced to pull up for another approach. Our powered landing was rough, a little off center, but within the allotted time.

The unloading operation was a marvel of efficiency. The plane was in the air again in 15 minutes. It would fly three missions that night.

I was taken through several military check points to a converted group of farm buildings called "state house."

My appearance there caused a great deal of confusion since I was expected to arrive with a group from the United States senate. Maj. Akabogo, officer in charge, moved to put me on a flight for immediate deportation. However, I convinced him it would be better to release me to the Holy Ghost missionaries until the situation was clarified. As I was about to leave the airfield for the mission at Ibi, two soldiers appeared, telling me I must be returned to the state house. We went immediately.

The major wore a grave expression. A decision had been made by a higher authority that I must be "looked after by the government."

AN EARLY CALLER

I was taken to a sparsely furnished room, which they referred to as the "VIP lounge." It was illuminated by a dim kerosene lamp around which a cloud of insects orbited. I was to spend the next eight or nine hours in the semi-darkness alternating dozing and chain smoking. Occasionally someone dashed in to extinguish the lamp when an unfamiliar aircraft was overhead. The airfield, a mile away, was bombed during the night.

About 4:30 a.m., I was awakened by the protocol assistant to the head of state. He had been routed out of bed to take personal charge of my case. He apologized for my long wait and informed me I would be taken to Umudika where I would be housed as "a guest of the government." He was sure my situation would be clarified later that day so that I could be properly "programed," a

term I was to hear many times during my nine day stay.

As we started our 50 mile journey the early morning light was brightening the eastern sky. The last of the night's relief flights roared overhead toward the safety of Sao Tome. Literally thousands of refugees clothed in tatters lined both sides of the road making their way to feeding stations.

I burdened my host with a steady stream of questions about his country, until I realized he was exhausted, as I was also. But I had one more question. Did he know a man named Chimaroke?

"Ah, yes, Godwin," he replied, "I'll notify him to come to Umudika tomorrow."

After I had slept for a few hours, the protocol assistant returned with the distressing news that my "status" had not been "clarified." The government of Biafra, I learned, had in its short existence developed its red tape to a fine art. In the absence of certain correspondence, I could not be programed. My credentials identifying me as an employe of the senate were accepted as proof of identity but word had to come through channels. Sorry. Until then I would have to stay at Umudika. How long? Possibly several days. Could I leave the fenced-in compound? No. Why was the gate guarded by armed soldiers? For my protection. Was I a prisoner? Certainly not! It was hard to tell the difference.

With no access to an American consular office and no means of communicating with anyone, I settled down with a book which I found there. I anticipated a long wait.

It was a hot day. I read, slept and took a stroll around the compound. The serenity was interrupted once by an air raid. A jet aircraft, flying at the tree top level, flashed past.

RAN GUERRILLA SCHOOL

In late afternoon three tall, bearded soldiers in camouflage uniforms arrived. The tallest one stepped forward, grinned broadly and grabbed my shoulders. I stared at him. The uniform, the beard and a 50 pound weight loss had altered his appearance—it was Chimaroke.

We talked and drank palm wine until far into the night. He was too old (41) for compulsory military service, but he had volunteered. He was the captain in charge of the guerrilla warfare school (BOFF—Biafran Organization of Freedom Fighters). He had been wounded in one of many encounters with the enemy.

He had vouched for me at security headquarters. I was free to go wherever I pleased, although I could not yet be programed.

Next morning I was taken by government vehicle to St. Finbar's Catholic church in Umuahia. For the next six days I traveled by whatever means I could obtain to all parts of the country—sleeping wherever I happened to end the day, visiting villages, refugee centers, hospitals and missions. I was able to meet and talk to ordinary Biafrans and to the personnel of the various relief organizations.

The people were bombed and strafed, ill clothed, ill fed and constantly on the move in advance of the Nigerians, who occupied nine-tenths of Biafra. They once had one of the most progressive cultures in Africa and now live without sanitation, running water, or other modern facilities—still, I found them united in their cause of independence. I repeatedly heard the wish: "If Biafra dies, I want to die with it."

DAILY TOLL CUT TO 1,000

The relief operations were amazingly efficient. About 1,500 feeding centers were operating. They accommodated up to two million people daily. This does not mean that each person receives three meals a day. If the night flights were uninterrupted by bombings or bad weather it could mean they would receive one meal every second or third day. There were some six to nine million people in the besieged country.

Deaths by starvation had been drastically reduced by these humanitarian efforts of Caritas Internationalis (Catholic Relief); the World Council of Churches (interdenominational) and the International Red Cross, Jewish groups also contributed substantially to the joint relief effort.

In the fall of 1968, 10,000 people were dying each day. Estimates of the total civilian dead since the start of the war ranged between one and one-half to two million. Daily deaths were now less than 1,000—mostly children.

My most vivid memories are of the children. The Ibo culture once centered around them. They were the future. Now they are in competition with adults to sustain their lives. They are orphaned and they are abandoned. Missionaries report that relief food is taken from them—sometimes by a starving parent.

The greatest killer and maimer of children is kwashiorkor—the disease caused by a lack of protein. Bellies bloated, arms and legs like sticks, their skin split and weeping a clear fluid, they lie motionless waiting for food or death. If they do receive protein they can recover to a point, but the damage to the heart, liver and brain cannot be fully repaired. Most doctors feel an entire generation will be lost.

A quote from a missionary priest, Father Cunningham, typifies the depth of frustration among the doctors, missionaries and other relief personnel: "We can't feed them all. Perhaps what we should do is feed only those who have the best chance of survival—say, those over 10 years and under 40. Then maybe we could insure the survival of the race. But, of course, we can't do that. God help us.

Many stories of dedication and heroism among the missionaries and other relief people were told to me:

Father McGlade was captured by the Nigerians. He was beaten and all his fingers were broken, I was told. He was deported to Ireland. He returned after four months in the hospital. He was later hit by shrapnel.

A protestant minister, the Rev. Mr. Aiken, risked his life by running in front of a relief plane to stop it from crashing into a fresh bomb crater.

Father Doheny invited me to accompany him to a feeding station on the other side of the Nigerian lines. I didn't go.

Father Udo, an African priest, was killed by bomb fragments while on his motorcycle delivering food to a needy family, on the day I was to meet him.

DAILY BOMBINGS

Although the bombings and strafings account for a relatively small percentage of Biafran deaths, they keep the people in constant anxiety. While I was in the country there were daily attacks. I have personal knowledge of five deaths at Umudika when a residential area was hit by MIG rocket fire; 19 at a refugee center at Ikot Ekpene by strafing and 49 in the marketplace at Umuahia.

As I viewed these and other attack sites, I recalled a story I had clipped from the Times of London a few days earlier. It quoted a British member of parliament, John H. Cordle, as saying: "Everyone who has ever met him knows that Gen. Gowon (Nigerian head of state) is an honorable man. He has consistently said that he has given instructions that his air force is only to bomb military targets."

On the same page, Dr. Jean Mayer of Harvard university, who had been to Biafra a few weeks earlier, observed that "hospitals, schools, refugee camps, and markets have been and are being systematically attacked by the Nigerian air force." I wished I could have taken Mr. Cordle on a fast tour of the country.

While I did not starve, as many Biafrans do, food, water and sanitation were a problem for me. However, I managed to eat something each day, mostly at missions. One night I stopped at a jungle campfire seeking directions. I was offered part of the Biafrans' meager supper—which looked like a pancake covered with caviar. It was bitter tasting. I found it was made from grated casava (a root) and covered with roasted, pulverized beetles.

I avoided all use of water, which had a multitude of living creatures swimming on and through it. I bathed only when it rained and drank palm wine or hot tea when available. One very hot day a priest miraculously produced a bottle of warm Gabonese beer. It was tremendous.

By the sixth day I had been to virtually all parts of the tiny country. I had visited hospitals, refugee camps, missions and villages. I felt I had accomplished my purpose for being there, so I decided to leave, in spite of the fact that I had not yet been programed.

PROGRAMED AT LAST

Chimaroke, who had kept track of my meandering and had sometimes secured transportation for me, agreed to get me to Uli. He had been able to catch up with me every night except one when his vehicle was damaged in a strafing. He often brought interesting companions along. The discussions generally centered on the war and what they were going to do with their country after they had won it. There was never doubt expressed about the latter point.

We commenced our trip to Uli the next day. Near the city of Orlu we were detained at a roadblock. In a short time a delighted protocol assistant arrived to inform me I had finally been cleared and programed.

We were only a few miles from the airfield. I was hot, tired, hungry, grimy and nervous. I wanted to leave. However, Chimaroke felt his government might consider it an insult if I left after all the trouble it had gone to. I spent the night at Umudika.

The next three days were busy. I met individually with cabinet officers, the chief justice of the supreme court, the head of the consultive assembly and Col. Ojukwu, the head of state. I was also the guest of honor at a dinner attended by cabinet officers. It was the best meal I had in Biafra.

I was impressed with the caliber of their leadership. They were articulate and well educated, many with advanced degrees from United States universities.

The six days I spent on my own proved a good base for the government "program" for my visit. Although the officials were obviously sincere, their message was hard sell. It could easily have caused disbelief, if I hadn't already substantiated on my own that what they were telling me was fact. When I left for Uli the second time I felt I had a well rounded understanding of the country, its leaders, its people and its problems.

LEFT TO DARKNESS

On my arrival at state house this time, I was welcomed by a smiling, good humored Maj. Akabogo. He ushered me into his office and pointed out where a 20 mm. cannon shell fired by a MIG had blasted through the roof and shattered the chair in front of his desk that afternoon. He provided me with his personal car and driver for the short ride to Uli.

My exit vehicle was an American Globemaster, with an American crew. I stood behind the pilot, gripping his backrest on takeoff. As we banked to turn south the lights of the airstrip flashed on briefly as another Globemaster touched down. The jungle returned to darkness. I thought of Chimaroke and of the thousands of refugees crowded around the campfires below—and I prayed they would all find a better day.

A WILD PITCH ON FREE CHOICE TV

Mr. MURPHY. Mr. President, there has been a substantial amount of misinformation circulated about subscription television—free choice TV.

Unfortunately, even the press can fall into this trap—as was illustrated by a story which appeared in the Washington Post of June 13, 1969.

I am sure the reporter was trying to develop an "enterprise story" in regard to the future effect of free choice TV on sports, but apparently the people he interviewed had less than perfect understanding of STV, as the quotes indicate.

The article, entitled "Sports Ready to Collect on Pay-TV," conveyed the impression that the arrival of free choice TV would mean that sports events now shown on conventional television will eventually be broadcast as pay TV fare.

Dick Bailey, Sr., president of the Hughes Sports Network, was quoted as saying that "free TV will have to worry about losing sports to pay TV."

These views, however, do not jibe with the facts. As Joseph S. Wright, chairman of the board of Zenith Radio Corp. stated last week:

> Regulations laid down by the Federal Communications Commission assure sports fans that subscription television cannot preempt sports events regularly seen on commercial TV today.

Wright said that STV poses no threat to coverage of sports events by conventional television.

Mr. Wright noted that the Federal Communications Commission has adopted a rule that prohibits STV—or free choice TV—from broadcasting a sports event that was regularly televised in the community within a preceding 2-year period.

However, he also pointed out that the FCC had gone even further in spelling out its views. In a recent FCC "fact sheet" publication, the Commission said it "does not intend to create new markets for owners of televising rights of sports events," adding that if it detected a move in this direction, it would "take appropriate action, which might include increasing the sports rule standard from 2 to 5 years."

So, Mr. President, the intention of the FCC is quite clear. The Commission in no way intends to interfere with or inhibit the operation of existing commercial TV sports programing. And it intends to take appropriate steps to prohibit STV from taking over broadcasting of these programs.

I believe the best way to correctly inform the news sources quoted by the Washington Post is to make available the fact sheet recently produced by the FCC with regard to STV.

Therefore, Mr. President, I ask unanimous consent to have the June 13, 1969, article from the Washington Post printed in the body of the RECORD. I further ask that the "Fact Sheet" issued by the FCC be printed immediately following the news article, so that no further misunderstanding will continue with regard to sports and subscription television.

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

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

SPORTS READY TO COLLECT ON PAY TV

The prospect of a bountiful new source of revenue for sports came closer to realization following the Federal Communications Commission order yesterday permitting the start of pay television.

There are legal, technical and other obstacles to be overcome before the householder will be asked to pay for his television fare, but Dick Bailey Sr., president of the Hughes Sports Network, said, "It is coming, there is no use fighting it."

Art Modell, president of the National Football League, said, "I believe it is 'way, 'way off for pro football. We're married to free TV, except for a special game or two. I could understand pay TV in an area which has been blacked out of free TV during postseason games."

Harry Markson, director of boxing for Madison Square Garden, said, "We will be most interested in the developments of pay TV."

The Garden recently contracted to show 125 sports events on community antenna television over a one-year period, including all the games of the New York Knickerbockers and New York Rangers.

Baseball Commissioner Bowie Kuhn could not be reached for comment.

Pro football already has made provisions for pay TV in the merger agreement between the two leagues which takes full effect in 1970.

With most stadiums already playing to capacity crowds and negotiations for regular Sunday game telecasts reaching the choking price, pro football recently went to prime-time Monday night telecasts for 1970 to raise an extra $8 million in revenue.

At the time of the merger between the American and National football leagues, in 1966, owner Ralph Wilson of the Buffalo Bills estimated that pay television of the Super Bowl could mean $25 million to $30 million in revenue for a game that now brings in $2.5 million from free TV.

"Wilson is probably right," president Bailey of the Hughes Sports Network said yesterday. "If I had not sold this network to Howard Hughes. I know I would be going into pay TV now instead of bucking the three conventional networks.

"Only Mr. Hughes can say what we will do now. He makes the decisions."

Bailey revealed that the Hughes network bid on the 13 Monday night telecasts for 1970, which went to the American Broadcasting Co.

"We did not bid lower than ABC," Bailey said "There were other circumstances."

Bailey added, "There is a new era coming and a lot of people will be scrambling to get into it. Free TV will have to worry about losing sports to pay TV."

But not for two years because sports events regularly shown on free TV cannot make the switch to pay TV until that much time has elapsed under the projected regulations.

[From the Federal Communications Commission Fact Sheet, May 1969]

SUBSCRIPTION TELEVISION (STV OR PAY TV)

WHAT IT IS

Pay TV is the term used to describe a television station that sends out over the air a scrambled visual and auditory signal which may be received in intelligible form only by those who pay a fee. A person who tunes in his television set to the channel on which the station operates will see a scrambled picture and hear scrambled sound unless he has an unscrambling device (sometimes called a decoder) attached to his set. If he has a decoder attached and wishes to see a particular pay TV program, he actuates the decoder and receives the program in unscrambled form. There are various ways of charging for the program. A cash box may be attached to the decoder into which money must be inserted before an unscrambled picture can be received. Other decoders record the fact that a particular program has been viewed. At the end of the month the subscriber pays for what the recording tape indicates was viewed during the month.

This type of pay TV should not be confused with community antenna television systems (CATV) which, in a broad sense, may also be called pay TV. CATVs pick up off the air the signals of television stations and transmit them by cable to the homes of subscribers, either immediately after they are picked up off the air, or after they have been picked up and brought by microwave relay to the community to be served. Typically, CATVs charge for connection of a customer's TV set to the cable, and subsequently charge a flat monthly rate for the service. Originally, the function of CATVs was to bring TV programs to communities so situated that residents could not pick up signals off the air. Some CATVs now, in addition to that function, also engage in so-called "program origination." This means that in addition to carrying the programs of television stations, they also send over the cable such things as time and weather reports, news ticker service, music, stock ticker service, local live programming, and other types of programming. The question of whether and to what extent CATVs should be permitted or required to engage in program origination is presently under study, with other CATV problems, in Docket No. 18397.

PURPOSE OF PAY TV

The purpose of pay TV is to supplement present conventional television service, not to replace it. The rules governing the service are designed to achieve that end. For example, only one station in a community will be authorized to engage in pay TV operations (it may be a new station or a presently operating station), and this sole authorization will be granted only in communities which, in addition to the pay TV station, also receive conventional commercial TV service from at least four stations. (For purposes of the rule, educational TV stations are not counted.) Since there is nothing mandatory about pay TV, this means that if residents in a community do not wish to avail themselves of the additional choice of programing that pay TV offers, they will still have at least four conventional commercial TV stations to which they may tune. It also means that in a community that receives, for example, only one or two or three conventional commercial TV services, no pay TV will be authorized.

Stating that a pay TV authorization for a station in a community will be granted only if it also receives conventional service from at least four stations does not mean that the four conventional services must be from TV stations licensed to the community in which pay TV is authorized. What is meant is that the community in which a pay TV authorization will be granted must lie within the so called Grade A service contours of four or more commercial TV stations whether they are licensed to that community or to nearby communities. Moreover, stating that the community must lie within the Grade A service contours of at least four conventional commercial TV stations means that the community must receive at least four services off the air. Service received in the community by way of CATV is not counted.

In addition to this rule, other rules are also designed to assure that pay TV will be a supplement and not a replacement for conventional TV service. Opponents of pay TV had argued that pay TV would be in a position to outbid conventional commercial TV for programs, with the result that the viewing public would have to pay for programs that they formerly saw free. This gave considerable concern to the Commission since

it wished to make sure that conventional TV would remain a viable service and that the great investment of the viewing public in television sets, purchased in the expectation of being able to receive programs from conventional TV stations, would not be nullified. It therefore adopted three rules designed to prevent, to a substantial degree, so-called "siphoning" of programing from conventional to pay TV.

One such rule prohibits pay TV stations from broadcasting series-type programs with interconnected plot or substantially the same cast of principal characters (e.g., Peyton Place, Bonanza). Since this type of program forms a substantial part of conventional TV programing, considerable protection against siphoning is afforded.

Opponents of pay TV had argued that pay TV could outbid conventional TV for sports events with the result that viewers would have to pay for seeing such events as the World Series, the Rose Bowl, the Superbowl, and similar programs that are now seen without direct charge. A rule to prohibit such siphoning has been adopted by the Commission. Without mentioning its full details, generally speaking it provides that sports events which have been regularly seen on conventional television in a community during the two years preceding proposed pay TV broadcast of the events may not be shown over a pay TV station in that community.

Opponents of pay TV expressed the view that this rule could be circumvented in various ways. For example, they stated that the owner of telecasting rights to a sports event could keep the event off conventional television for two years and thereafter realize substantial profits by showing it on pay TV. The Commission believes that this would be avoided by such owners and by pay TV stations because great adverse publicity might be generated that could redound to their detriment. In any event, in establishing pay TV service, the Commission stated that it is not its intent to create new markets for owners of televising rights of sports events. It said that it would keep operations governed by this aspect of the pay TV rules under careful observation and if it detected any untoward trends it would take appropriate action, which might include increasing the sports rule standard from two to five years.

Finally, opponents of pay TV had argued that feature films are of growing importance in conventional TV programing and that pay TV would siphon them away. It appears that, for economic reasons, conventional TV stations show the older feature films but cannot obtain feature films only recently released in motion picture theaters. To prevent siphoning of older feature films from conventional TV, the rules governing pay TV provide that, with certain exceptions, feature films shown on pay TV stations must not have been released in theaters more than two years before pay TV showing. This means that, generally speaking, feature films on pay TV must be current films, i.e., a type not generally seen on conventional TV.

These three rules should substantially protect against program siphoning. They are not designed to give 100% protection against siphoning since the Commission feels that some degree of competition between pay TV and conventional TV might result in benefit to the viewing public.

THE CONCERN OF THEATER OWNERS

A trial over-the-air pay TV operation was carried on in Hartford, Connecticut, under Commission authorization, from June 1962 to January 1969, for the purpose of developing information about an actual pay TV operation. The Hartford experience, and other information in the record of the Commission's pay TV proceeding (Docket No. 11279), suggest that about 85% of pay TV programming will consist of feature films. An additional amount of programming is expected to consist of sports events not now available on conventional TV. (An example would be the showing on pay TV of a professional football home game in the same community where the game is being played. Such games are presently blacked out to protect gate receipts at the stadium.) Under the rules adopted, at least 10% of pay TV programming must consist of other than feature films and sports events. Conceivably, this programming might consist of opera, ballet, current Broadway plays, educational, or other programming.

The fact that the programming of pay TV is expected to consist principally of current feature films is undoubtedly why motion picture theater owners are concerned about the new service. However (assuming that pay TV will catch on and be successful, which is not certain), the impact of pay TV on theaters cannot be accurately estimated. Pay TV permits the public to have three methods of viewing motion pictures: (1) theaters, (2) pay TV, and (3) conventional TV. Generally, the first two would provide current pictures, and the third, older feature films. It may be that pay TV will provide an additional audience since many pay TV subscribers might be persons who would not have gone to a theater to see current feature films but would be willing to pay to see them in their own homes.

COSTS OF PAY TV TO SUBSCRIBERS

The Hartford trial operators were prohibited from selling decoders to subscribers since it was not certain that a permanent pay TV service would be authorized at the end of the trial and the Commission considered it contrary to the public interest to let people purchase decoders which they would be left with at the end of the trial. For this reason, decoders were rented to subscribers for about 75¢ a week (whether the subscribers viewed any programs or not). There was also an installation fee of about $10 and, finally, per-program charges were collected.

Because it is not sure that pay TV will be successful, the Commission has adopted a rule that decoders must be rented but not sold to the public, so that if a pay TV operation commences and then subsequently fails, the public will not be left with decoders that are of no use.

At Hartford, the average per-program cost of feature films (over and above the rental and installation charges) was slightly over $1.00. This means that an entire family could see the film at that cost. With regard to sporting events, heavyweight title fights at the time of the Hartford trial were not shown on conventional TV. Instead, they were shown in theaters and auditoriums on closed-circuit TV. One of the Liston-Clay fights was shown on theater closed-circuit TV at Hartford at a price of $5.00 per person. It was also shown on Hartford pay TV for a charge of $3.00. A survey made after the fight showed that, on the average, nine persons were watching each subscriber's set tuned to the pay TV station.

While charges for pay TV are as yet indefinite, the Hartford trial may give some indication of what might develop. The Commission believes that the market place will regulate the charges that are made. If they are too high, people may not subscribe and the operation may fail.

OTHER PROGRAMING AND COMMERCIALS

Present Commission rules specify the minimum amount of programing that conventional TV stations must carry each week. Pay TV stations will be required to carry at least this minimum amount of conventional programing in addition to their pay TV programing. In other words, to some degree, pay TV stations will also be conventional TV stations. Commercial announcements of any kind will be prohibited during pay TV programing. They will, of course, be permitted during the station's conventional programing. The fact that pay TV will have no commercials means that programs will be seen without interruptions and that feature films will not be edited to fit into time slots as they presently are in conventional television.

PRESENT STATUS OF PAY TV

The Commission's pay TV proceeding (Docket No. 11279) commenced in 1955. On December 12, 1968, the Commission issued the Fourth Report and Order which established over-the-air pay TV as a regular broadcast service and adopted rules (other than technical standards) governing the new service. Ordinarily, it would have made the new rules effective shortly after the date of adoption and the new service would then have gone into effect. Recognizing, however, the controversial nature of the subject, the Commission made the rules effective June 12, 1969, six months after the date of adoption, so that there would be ample time for Congressional and judicial review of its action. To date the Congress has not acted. However, about three weeks after the date of adoption of the Fourth Report and Order, the National Association of Theatre Owners and the Joint Committee Against Toll TV (also composed of theater interests) filed an appeal with the United States Circuit Court of Appeals for the District of Columbia Circuit. The appeal is presently pending before that court.

On April 29, 1969, the National Association of Theatre Owners and the Joint Committee Against Toll TV filed a joint request with the Commission asking that the effective date of the pay TV rules be stayed until the completion of judicial review. In the alternative, they requested that, if the rules are permitted to become effective June 12, 1969, the Commission not grant any pay TV authorizations until the completion of judicial review. The request was opposed by Zenith Radio Corporation and Teco, Inc., participants in the Hartford trial.

On May 21, 1969, the Commission acted on the foregoing pleadings. It denied the request to stay the effective date of the rules. However, it stated that it would not grant pay TV authorizations until 60 days after the Court of Appeals issues its decision. The Commission noted that an important consideration in taking this action was that, in accord with its previously stated purpose, it would assure the fullest possible opportunity for Congressional review in the present session of Congress.

In the Fourth Report and Order the Commission stated that prior to June 12, 1969, it would adopt rules establishing technical operating standards for pay TV and that these rules, like the rules governing all other aspects of pay TV, would become effective June 12, 1969. It also stated that at the time that technical standards were adopted it would announce what information applicants would be required to file in applications for pay TV authorizations. It said that no applications could be filed until technical standards were adopted. In its Order of May 21, 1969, the Commission said that in view of the fact that applications will not be granted until 60 days after completion of judicial review by the Circuit Court it was not necessarily issuing the technical standards or application requirements before June 12, 1969, as it had previously planned to do, but that they would be forthcoming as soon as possible.

THE PESTICIDE PERIL—XIX

Mr. NELSON. Mr. President, scientists are becoming increasingly alarmed by the changes in the chemistry of the oceans—changes caused by the activities of man which can be expected to reduce the existing structure of plant and animal communities.

The Bermuda petrel, a graceful sea bird which nests on the Bermuda shore-

line and never comes into direct contact with man or the mainland, is rapidly approaching extinction. Reproduction by the petrel has declined during the last 10 years at an annual rate of 3.25 percent. If this rate continues, reproduction will fail completely by 1978.

G. M. Woodwell, of the Brookhaven National Laboratory in Upton, N.Y., and Dr. Charles Wurster of the State University of New York in Stony Brook, have reported that persistent chlorinated hydrocarbons, such as DDT, are the cause of this decline in the reproductive success of the Bermuda petrel and other carnivorous birds.

According to Dr. Wurster:

A very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Since the Bermuda petrel is apparently reached by the effects of DDT, this indicates that significant amounts of DDT residues are being passed along the food chains of the North Atlantic. This further suggests that toxic effects may exist not only among carnivorous and scavenging birds, but also among diverse aquatic animals, including even the oceanic fisheries.

From his studies of DDT levels in the environment, Woodwell concludes:

There is every reason . . . to expect that DDT alone will account for a significant degradation of oceanic ecosystems, including the oceanic fisheries, in the next decades unless its use in places where it can contaminate the living systems of the earth is halted.

It seems to me that because of the biological magnification of DDT—its increasing concentration progressively along the food chains—if it is used anywhere, freedom of contamination to living systems of our earth cannot be assured.

I ask unanimous consent that a paper presented by Mr. G. M. Woodwell at the American Association for the Advancement of Science meeting held in Dallas, Tex., and an article which appeared in Science magazine by Dr. Charles Wurster be printed in the RECORD.

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

CHANGES IN THE CHEMISTRY OF THE OCEANS: THE PATTERN OF EFFECTS

(By G. M. Woodwell, Biology Department, Brookhaven National Laboratory, Upton, N.Y.)

Abstract: The changes in the chemistry of the oceans reported by Dr. Goldberg can be expected to reduce the structure of plant and animal communities according to well-known patterns. The changes in structure will be similar to those observed under conditions of accelerated eutrophication in fresh water lakes. One of the most conspicuous changes involves loss of highly specialized top carnivores and there are ample signs that avian carnivores are disappearing now from oceanic communities. The present losses are due to accumulations of persistent toxic compounds, especially DDT. Evidence suggests that at current rates of use DDT residues will continue to accumulate in the next decades to levels 2 to 3 times current levels, affecting even oceanic fisheries.

Dr. Goldberg has shown conclusively that the chemistry of the oceans is changing due to the activities of man. The changes are many, they are occurring very rapidly if measured by the time required for the evolution of life, and their effects, although profound in some instances, are not easily observed. We might ask what can be said about the general pattern of these effects on living systems and their significance.

Prediction of the specific effects on natural communities of any single change in environment is usually difficult and sometimes impossible, but the broad pattern of changes brought by drastic changes in environment such as those that Dr. Goldberg has outlined are predictable. They are similar on land and in water; similar in all natural communities.

The basic pattern is one of simplification: progressive reduction of the structure of natural communities as the disturbance becomes more severe; a shortening of food chains; elimination of top carnivores and a shift toward larger numbers of a few kinds of plants and animals that are small and have rapid rates of reproduction. The pattern is familiar on land in places subject to frequent disturbance such as roadsides, unstable soils, and even cultivated lands, excluding of course the crops. In such places plants tend to be low in stature, rapidly growing, and to have rapid, often asexual, reproduction as well as other characteristics that make them particularly successful under adverse conditions. In water the problems of accelerated eutrophication provide an example that is becoming too familiar. Here enrichment with nutrients causes rapid growth of certain small plants, ultimately changing the characteristics of the water body completely. The complex food webs that in fresh water once supported trout and salmon are lost, replaced by short food chains where the consumers are plant or detritus eaters such as carp or mullet or, in the worst situations, simply anaerobic organisms of the decay food chains. Lake Erie has become the classical example although there are many others. Accelerated eutrophication of the type that Dr. Goldberg's data suggest for the oceans may be accompanied by accumulation of toxic substances speeding a shift to anaerobic conditions, becoming unquestionably "pollution."

That disturbance should cause this pattern of change is hardly surprising. The course of biological evolution is in the opposite direction, tending with time to develop greater numbers of species using the diverse and continually growing resources of environment with an ever higher degree of specialization. The specialization that accompanies the development of a diversity of species and a community that has a complex structure makes the community vulnerable to disturbance. If the disturbance is severe enough or continued, the specialists are replaced by other species that can survive the changing conditions.

There are many ways of measuring details of the structure and function of communities. One of the most comprehensive involves measurement of exchanges of energy. It is comprehensive in that it integrates details of structure and function, showing the quantitative relationships between populations. It is convenient for our purposes because it shows what occurs when the structure of any ecosystem is lost.

The energy driving natural communities is transferred from the green plants to other populations according to simple rules. For instance, it appears that only about 10% of the energy entering the plant population is available for consumption by herbivores; 10% of that entering the herbivores is available to the first level of carnivores; and so on through two, perhaps three, levels of carnivores. Clearly, there is a quantitative relationship between populations of different trophic levels. Equally clearly, populations of highly specialized carnivores at the top of the trophic structure are at greatest hazard if the structure is disturbed and we should look to them for clues that the structure is being disturbed.

It is less clear that such a trophic structure is also vulnerable to toxic substances that are concentrated by trophic-level effects. The concentration occurs because the rate of supply of the substance through the food chain exceeds the rate of loss. Losses may include chemical breakdown as well as excretion. When successive links in a food chain concentrate a substance, concentration factors of thousands or even hundreds of thousands above environmental levels are possible, putting carnivores, and top carnivores in particular, at special hazard.

It is not surprising to discover that some of the earliest signs that the structure of natural communities is being lost appear as reductions in populations of carnivores and especially of carnivorous birds. Birds of course have high metabolic rates and therefore consume large amounts of food in proportion to their own weights. They are also conspicuous and populations of rare or unusual birds, including many of the top carnivores, have been watched very closely for many years by both amateur and professional ornithologists. Changes in the populations, especially drastic reductions, are quickly recognized.

Such signs are now available for the oceans. One of the best known is the abrupt decline in the reproductive success of the Bermuda petrel which was first observed by the Bermudan naturalist, David Wingate. After considerable thought and experimentation he finally guessed, based on evidence from other carnivorous birds around the world, that the cause might be the accumulation of DDT residues. The concentrations of residues carried by the birds were later shown to be in the range known to affect reproductive success in other species, suggesting strongly that the Bermuda petrel, which never comes into direct contact with man or with areas sprayed with DDT, but rather feeds in the open ocean, is being affected by DDT residues that are passed along to it through the food webs of the North Atlantic. This observation of course means that the food webs are carrying significant burdens of DDT and leads one to guess that toxic effects must exist not only among carnivorous and scavenging birds, which are conspicuous and well known, but also among diverse aquatic animals, including even the oceanic fisheries. This conclusion is substantiated by Dr. Goldberg's data.

The question of what further changes will occur if current uses of persistent pesticides are continued is a real one. I have shown elsewhere that if DDT residues have a half-life in the environment of 10 years, which seems a minimum, and the annual release of DDT into the biosphere is 200 million pounds, then the equilibrium concentration will be approached only after 70 years. The residues circulating at the moment must be less than one-half the residues that will be circulating when chemical degradation precisely balances the releases of DDT, if current levels of use are maintained. There is every reason, then, to expect that DDT alone will account for a significant degradation of oceanic ecosystems, including the oceanic fisheries, in the next decades unless its use in places where it can contaminate the living systems of the earth is halted.

It would be a strange contradiction indeed if the agricultural and industrial interests that defend the use of DDT so recklessly on the grounds that it is needed for production of food for the earth's hungry millions, were to continue to be successful and in their success eliminate the oceanic fisheries. Adding to the irony would be the fact that these fisheries, already threatened by overexploitation and by elimination of marshes and other hazards, offer at present almost the

only short-term system for recycling the nutrient elements harvested in agriculture and dumped through civilization into our sewers and the sea. Unless harvested as fish, these nutrients are lost.

The increased burden of DDT is of course but one of the chemical changes that is occurring in the oceans. It is, however, clear now that the plant and animal communities of the oceans are being degraded as a result of the changes in oceanic chemistry caused by man. The pattern of change is clear: it is the pattern of eutrophication and pollution similar to that well known in Lake Erie and in thousands of other water bodies around the world and similar in broad outline to the changes that occur on land. We may be able to lose lakes in this way, even one of the Great Lakes, but it is very doubtful indeed whether we can afford to lose the oceans.

The solution to such world-wide pollution problems lies not simply in controlling the pollutants: it lies of course there. But it lies equally importantly in providing a general context within which there is not strong, potentially overwhelming, pressure to use the earth so intensively as to pollute it. Such a context requires that resources be large in proportion to demands made on them. That most desirable, perhaps even essential, condition can be established only if both population and the incursions on environment made by technology are limited. If pollution problems are to be controlled in the long run, not merely mitigated temporarily, and aggravated in the long run, then it must quickly become the policy of nations to limit population and to restrict those aspects of technology that degrade the common resources, including air, water and land. The changes that Dr. Goldberg reports now in the oceans prove that nations can scarcely move rapidly enough in this direction.

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[From Science magazine, Mar. 1, 1968]

DDT Residues and Declining Reproduction in the Bermuda Petrel

(By Charles F. Wurster, Jr., Department of Biological Sciences, State University of New York, Stony Brook 11790; and David B. Wingate, Department of Agriculture and Fisheries, Paget East, Bermuda)

Abstract. Residues of DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane] averaging 6.44 parts per million in eggs and chicks of the carnivorous Bermuda petrel indicate widespread contamination of an oceanic food chain that is remote from applications of DDT. Reproduction by the petrel has declined during the last 10 years at the annual rate of 3.25 percent; if the decline continues, reproduction will fail completely by 1978. Concentrations of residues are similar to those in certain terrestrial carnivorous birds whose productivity is also declining. Various considerations implicate contamination by insecticides as a probable major cause of the decline.

Many oceanic birds nested on Bermuda in 1609 when the first settlers arrived, the most abundant apparently being the Bermuda petrel, *Pterodroma cahow*. Within 20 years man and his imported mammals virtually exterminated this species; for nearly 300 years it was considered extinct. Several records of specimens since 1900 were followed in 1951 by discovery of a small breeding colony,[1] and in 1967 22 pairs nested on a few rocky islets off Bermuda. With a total population of about 100 the petrel is among the world's rarest birds.

A wholly pelagic species, *P. cahow* visits land only to breed, breeds only on Bermuda, and arrives and departs only at night. The single egg is laid underground at the end of a long burrow. When not in the burrow the bird feeds far at sea, mainly on cephalopods; when not breeding it probably ranges over much of the North Atlantic.[1]

Reproduction by *P. cahow* has declined recently. The data since 1958 (Table 1) show an annual rate of decline of 3.25 ± 1.05 percent; the negative slope of a weighted regression is significant (*P*, .015; *F* test). If this linear decline continues, reproduction will fail completely by 1978, with extinction of the species. Many recent reports have correlated diminished reproduction by certain carnivorous birds with contamination by chlorinated hydrocarbon insecticides[2-7]. As the terminal member of a pelagic food chain, presumably feeding over much of the North Atlantic, the petrel may be expected to concentrate by many orders of magnitude any stable, lipid soluble chemicals, such as chlorinated hydrocarbon insecticides, present in lower trophic levels[2,3,8]. In fact it should serve as an ideal environmental monitor for detection of insecticide contamination as a general oceanic pollutant, rather than contamination resulting directly from treatment of a specific land area[9]. When we analyzed several specimens of *P. cahow* for chlorinated hydrocarbon insecticides, all samples contained DDT residues[10].

During March 1967 five unhatched eggs and dead chicks were collected from unsuccessful petrel burrows and stored frozen. The small size of the population precluded the sampling of living birds. Samples were analyzed for DDT, *o,p*-DDT, DDE, DDD, dieldrin, and endrin by electron-capture gas chromatography; the results are summarized in Table 2. No *o,p*-DDT, dieldrin, or endrin was detected, but an independent laboratory detected a trace of dieldrin.

Certain identifications were confirmed by thin-layer chromatography[11] as follows: After Florisil cleanup[12] the unknown sample was spotted on a thin-layer plate with 1-μg authentic standard samples on both sides. After development, the unknown was masked by a strip of paper, and the standards were sprayed with chromogenic reagent.[11] When spots were visible following exposure to ultraviolet light, the masking was removed, horizontal lines were drawn between the standard spots in order to locate corresponding compounds in the unknown, and these areas were scraped from the plate and extracted with a few drops of a mixture of hexane and acetone (9:1 by volume). Injection into the gas chromatograph confirmed the presence of DDT, DDE, and DDD by showing the appropriate single peaks for these compounds. This confirmation procedure was employed because the electron-capture detector is more sensitive than the chromogenic spray reagent in detecting minute amounts of these materials.

TABLE 1—REPRODUCTIVE SUCCESS OF THE BERMUDA PETREL BETWEEN 1958 AND 1967: PERCENTAGES OF ESTABLISHED ADULT PAIRS UNDER OBSERVATION WHOSE CHICKS SURVIVED 2 WEEKS AFTER HATCHING. NUMBERS OF PAIRS OF UNKNOWN SUCCESS (NOT INCLUDED IN CALCULATIONS) APPEAR IN PARENTHESES. DATA FROM 1961–67 ARE BELIEVED TO REPRESENT THE TOTAL BREEDING POPULATION; EARLIER, NOT ALL BURROWS HAD BEEN DISCOVERED. THE DECLINE IN REPRODUCTIVE SUCCESS FOLLOWS THE LINEAR RELATION Y=A+BX (Y, REPRODUCTIVE SUCCESS; A, A CONSTANT; B, ANNUAL PERCENTAGE DECLINE IN SUCCESS; X, YEAR). THE REGRESSION, WEIGHTED BY NUMBERS OF PAIRS: Y=251.9—3.25X

Year	Pairs	Chicks	Success (percent)
1958	6(1)	4	66.7
1959	5(2)	2	40.0
1960	13(3)	6	46.2
1961	18(1)	12	66.7
1962	19	9	47.4
1963	17(1)	9	52.9
1964	17(1)	8	47.1
1965	20	8	40.0
1966	21	6	28.6
1967	22	8	36.4

Coincidental with diminishing reproduction by the Bermuda petrel is the presence of DDT residues averaging 6.44 parts per million (ppm) in its eggs and chicks. In itself this coincidence does not establish a causal relation, but these findings must be evaluated in the light of other studies. Whereas a healthy osprey (*Pandion haliaetus*) population produces 2.2 to 2.5 young per nest, a Maryland colony containing DDT residues of 3.0 ppm in its eggs yielded 1.1 young per nest, and a Connecticut colony containing 5.1 ppm produced only 0.5 young per nest; the Connecticut population has declined 30 percent annually for the last 9 years.[4] In New Brunswick, breeding success of American woodcocks (*Philohela minor*) showed a statistically significant inverse correlation with the quantity of DDT applied to its habitat in a given year. Furthermore, during 1962 and 1963, birds from unsprayed Nova Scotia showed breeding success nearly twice as great as did those from sprayed New Brunswick, where woodcock eggs averaged 1.3 ppm of DDT residues during those years.[5]

TABLE 2.—RESIDUES OF DDT (10) IN PARTS PER MILLION (WET WEIGHT) IN EGGS AND CHICKS OF THE BERMUDA PETREL, COLLECTED IN BERMUDA IN MARCH 1967; PROPORTIONS OF DDT, DDE, AND DDD ARE EXPRESSED AS PERCENTAGES OF THE TOTAL

Sample	Residues (p.p.m.)	Percentages		
		DDT	DDE	DDD
A, egg†	11.02	*37	*58	*5
A, egg†§	10.71	*34	*62	*4
B, addled egg†	3.61	15	65	20
C, chick in egg‡	4.52	33	64	3
D, chick in egg‡	6.08	33	62	5
D, chick brain‡‖	.57	30	54	16
E, chick, 1 to 2 days old	6.97	*29	*66	*5
Averages	6.44	31	62	7

*Identity confirmed by thin-layer chromatography (11).
†Egg showed no sign of development.
‡Fully developed chick died while hatching.
§Analysis 5 months later by Wisconsin Alumni Research Foundation, which also detected dieldrin at 0.02 p.p.m.
‖Not included in averages.

In Britain five species of raptors, including the peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*), carried residues of chlorinated hydrocarbon insecticides in their eggs, averaging 5.2 ppm; each of these species has shown a decline in reproduction and total population during recent years. By comparison, residues in the eggs

Footnote at end of article.

of five species of corvids averaged 0.9 ppm, and breeding success and numbers have been maintained.[6] It is noteworthy that during the last decade the peregrine has become extinct as a breeding bird in the eastern United States.[13] Residues in bald eagle (*Haliaeetus leucocephalus*) eggs averaged 10.6 ppm, and this species also shows declining reproduction and population.[7] Lake Michigan herring gulls (*Larus argentatus*), exhibiting very low reproductive success, averaged 120 to 227 ppm of DDT residues in the eggs,[3] the suggestion being that susceptibility varies widely between species.

In most of the above instances, including *P. cahow*, reduced success in breding resulted primarily from mortality of chicks before and shortly after hatching. Bobwhites (*Colinus virgianus*) and pheasants (*Phasianus colchicus*), fed sublethal diets of DDT or dieldrin, gave similar results[14]; a mechanism explaining chick mortality from dieldrin poisoning during the several days after hatching has been presented.[15]

From studies of these birds and other avian carnivores a very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Observations of aggressive behavior, increased nervousness, chipped eggshells, increased egg-breakage, and egg-eating by parent birds of several of the above species [3 6 13] suggest symptoms of a hormonal disturbance or a calcium deficiency, or both. Moreover, DDT has been shown to delay ovulation and inhibit gonadal development in birds, probably by means of a hormonal mechanism, and low dosages of DDT or dieldrin in the diet of pigeons increased metabolism of steroid sex hormones by hepatic enzymes.[16] A direct relation between DDT and calcium function has also been demonstrated and these endocrine and calcium mechanisms could well be interrelated; DDT interferes with normal calcification of the arthropod nerve axon, causing hyperactivity of the nerve and producing symptoms similar to those resulting from calcium deficiency.[17] Dogs treated with calcium gluconate are very resistant to DDT poisoning[18]; female birds are more resistant than males,[19] perhaps because of the calcium-mobilizing action of estrogenic hormones.

Of major importance, then, was the discovery that a significant ($P<.001$) and widespread decrease in calcium content of eggshells occurred between 1946 and 1950 in the peregrine falcon, golden eagle, and sparrowhawk, *Accipiter nisus*.[20] This decrease correlates with the widespread introduction of DDT into the environment during those years, and further correlates with the onset of reduced reproduction and of the described symptoms of calcium deficiency. These multiple correlations indicate a high probability that the decline in reproduction of most or all of these birds, including *P. cahow*, is causally related to their contamination by DDT residues.

Other potential causes of the observed decline for the Bermuda petrel appear unlikely. The bird has been strictly protected and isolated since 1957; and it seems that human disturbance can be discounted. In such a small population, inbreeding could become important, but hatching failure is now consistent in pairs having earlier records of successful breeding, and deformed chicks are never observed. Furthermore, the effects of inbreeding would not be expected to increase at a time when the total population, and probably the gene pool, is still increasing. The population increase results from artificial protection since 1957 from other limiting factors, especially competition for nest sites with tropic birds.[21]

It is very unlikely that the observed DDT residues in *P. cahow* were accumulated from Bermuda: the breeding grounds are confined to a few tiny, isolated, and uninhabited islets never treated with DDT, and the bird's feeding habits are wholly pelagic. Thus the presence of DDT residues in all samples can lead only to the conclusion that this oceanic food chain, presumably including the plankton, is contaminated. This conclusion is supported by reported analyses showing residues in related seabirds including two species of shearwaters from the Pacific [22]; seabird eggs [2 22]; freshwater, estuarine, and coastal plankton [2 8 22]; plankton-feeding organisms [2 8 9 22 23]; and other marine animals from various parts of the world.[8 22] These toxic chemicals are apparently very widespread within oceanic organisms [8 22], and the evidence suggests that their ecological effects are important.

FOOTNOTES

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[24] Aided by a grant from the Research Foundation of the State University of New York; transportation by the Smithsonian Institution, Washington, D.C. The Bermuda petrel conservation program was financed by Childs Frick and the New York Zoological Society. We thank G. M. Woodwell for criticizing the manuscript.

BILINGUAL EDUCATION PROGRAMS APPROVED BY THE OFFICE OF EDUCATION

Mr. YARBOROUGH. Mr. President, in my judgment, one of the most significant new programs authorized by the 90th Congress was that contained in title VII of the Elementary and Secondary Education Act of 1965, as amended—bilingual education programs. While the bilingual programs were authorized for fiscal 1969 at the $30 million level, only $7.5 million was appropriated.

The President's revised estimates for fiscal 1970 proposes only a $10 million funding of the $40 million authorization. This is only one-fourth of the money which is so badly needed to provide America's children with language proficiency.

I have recently received a breakdown showing the cities and States in which this program is being administered. I particularly commend to the Senators of the States listed, the information developed for each of the participating school systems. It is my hope that they will find the materials helpful in their own presentations to the Senate subcommittee considering Labor-HEW appropriations for fiscal year 1970.

I ask unanimous consent that the table on bilingual education programs be printed at this point in my remarks.

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

BILINGUAL EDUCATION PROGRAMS

State and city	Operating agency	Program	Language	Grant
Arizona:				
Nogales	Nogales Elementary School District No. 1	Nogales Elementary bilingual project	Spanish	$41,500
Phoenix	Phoenix Union High School System No. 210	Phoenix Union bilingual program	do	76,500
	Wilson Elementary School District No. 7	Individualizing bilingual, bicultural instruction	do	26,500
Tucson	Tucson Elementary School District No. 1	Bilingual, bicultural project	do	80,302
Total				224,802

BILINGUAL EDUCATION PROGRAMS—Continued

State and city	Operating agency	Program	Language	Grant
Arkansas: Gentry	Gentry School District No. 19	Bilingual curriculum development for Cherokees	Cherokee	$41,500
California:				
Artesia	ABC Unified School District	Portuguese bilingual demonstration project	Portuguese	33,500
Barstow	Barstow Unified School District	A bilingual program for primary children and parents	Spanish	36,500
Brentwood	Brentwood Union School District	Brentwood bilingual educational project	do	31,500
Calexico	Calexico Unified School District	Calexico intercultural design	do	125,500
Chula Vista	Sweetwater Union High School	Project Frontier	do	570,774
Compton	Compton City School District	Compton elementary bilingual education plan	do	76,500
El Monte	El Monte Elementary School District	El Monte bilingual educational project	do	51,500
Fresno	Fresno County School	Learning and communicating bilingually	do	151,500
	Fresno City Unified School District	Bilingual-bicultural title VII proposal	do	101,500
Healdsburg	Healdsburg Union Elementary School District	Bilingual education, Spanish-English	do	26,500
La Puente	Hudson School District	Bilingual understanding of educational needs of others (BUENO)	do	205,264
Los Nietos	Los Nietos Elementary School District	Bilingual-bicultural experience for children, parents, and teachers in Los Nietos School District.	do	81,500
Olivehurst	Marysville Joint Unified School District	Bilingual instructional Spanish program	do	70,500
Pomona	Pomona Unified School District	Bilingual leadership through speech and drama	do	30,500
Redwood City	Redwood City School District	Pilot bilingual program for grade 1	do	26,500
Sacramento	Sacramento City Unified School District	Early childhood bilingual education	do	101,500
St. Helena	St. Helena Unified Schools	Project bilingual education: Adelante	do	22,500
Salinas	Gonzales Union High School District	Gonzalez ESL/bilingual project	do	26,500
San Francisco	San Francisco Unified School District	Chinese bilingual pilot program	Chinese	51,500
Sanger	Sanger Unified School District	Instructional program in bilingual education	Spanish	5,1500
Santa Ana	Santa Ana Unified School District	Bilingual preschool program	do	246,500
Santa Barbara	Santa Barbara County Schools	Santa Barbara County bilingual project	do	76,500
Santa Clara	Santa Barbara County Office of Education	Spanish Dame School	do	81,500
Santa Paula	Santa Paula School District	Santa Paula bilingual education program	do	71,500
Stockton	Stockton Unified School District	A demonstration bilingual education program	do	150,500
Ukiah	Ukiah Unified School District	Ukiah Indian, Mexican-American bilingual-bicultural program	Pomo, Spanish	63,000
Total				2,562,538
Colorado: Denver	Denver Public Schools	Primary bilingual education	Spanish	101,500
Connecticut: New Haven	New Haven Board of Education	Bilingual project	do	75,000
Florida: Naples	Collier County Board of Public Instruction	Collier County bilingual program	do	55,000
Hawaii: Honolulu	Hawaii Department of Education	Hawaii bilingual education program	Japanese	53,800
Illinois: Chicago	Chicago Board of Education	Area bilingual center	Spanish	154,000
Massachusetts:				
Boston	Boston School Department	Bilingual education program	do	108,000
Springfield	Springfield Public Schools	Carew Street bilingual education project	do	80,000
Total				188,000
Michigan:				
Lansing	Lansing School District	Lansing bilingual program, junior high	Spanish	94,000
Pontiac	School District of the City of Pontiac	Itinerant bilingual teaching teams	do	91,000
Total				185,000
Nebraska: Scottsbluff	Educational Service Unit No. 18	Panhandle educational program for bilingual literacy	Spanish	59,000
New Hampshire: Wilton	Supervisory Union No. 63	Bilingualism in an open-school educational program	French	70,000
New Jersey: Vineland	City of Vineland School District	New Jersey bilingual education program	Spanish	275,000
New Mexico:				
Albuquerque	Albuquerque Public Schools	Albuquerque bicultural-bilingual education program	do	141,500
Artesia	Artesia Public Schools	Southeastern New Mexico bilingual program	do	101,500
Espanola	Espanola Municipal Schools	Espanola bilingual education program	do	26,500
Grants	Grants Municipal Schools	Bilingual-bicultural education program	Indian, Spanish	36,500
Las Cruces	Las Cruces School District No. 2	Las Cruces elementary school bilingual program	Spanish	65,500
Total				371,500
New York:				
Bronx	New York City Board of Education	The bilingual school (Public School 25, Bronx).	Spanish	230,000
New York	Two Bridges Model School District	Building bilingual bridges	Chinese, Spanish	139,000
Rochester	City School District of Rochester	Spanish English education program	Spanish	169,000
Total				538,000
Ohio: Cleveland	Cleveland Public Schools	Bilingual instruction, junior high	Spanish	69,000
Oklahoma: Tahlequah	Cherokee County superintendent of school	Cherokee bilingual education	Cherokee	98,500
Pennsylvania: Philadelphia	School District of Philadelphia	Let's be amigos	Spanish	200,000
Rhode Island: Providence	Providence School Department	Providence's program for bilingual education	Portugese	110,000
Texas:				
Abernathy	Abernathy Independent School District	Helping advance bilingual learning in Abernathy	Spanish	51,500
Amarillo	PESO Education Service Center	PESO bilingual language development project	do	101,500
Austin	Educational service center, region XIII	Region XIII bilingual education program	do	101,250
Del Rio	Del Rio Independent School District	Del Rio bilingual education program	do	51,500
	San Felipe Independent School District	San Felipe educational bilingual program	do	51,500
Edinburg	Region 1 education service center	Region 1 bilingual project	do	151,500
Fort Worth	Fort Worth Independent School District	Programa en dos lenguas	do	201,500
Houston	Houston Independent School District	Houston Independent School District bilingual education program	do	200,850
La Joya	La Joya Independent School District	Hacia nuevos horizontes	do	51,500
Laredo	Laredo Independent School District	Bilingualism for the conceptualization of learning	do	76,500
	United Consolidated Independent School District	United bilingual education project	do	51,500
Lubbock	Lubbock Independent School District	A bilingual elementary education program	do	151,500
McAllen	McAllen Independent School District	McAllen bilingual social science program	do	55,900
San Angelo	San Angelo Independent School District	English-Spanish environmental experience school	do	117,170
San Antonio	Edgewood Independent School District	Better education through bilingualism	do	151,500
	San Antonio Independent School District	Proyecto bilingual interculture	do	201,500
San Marcos	San Marcos Independent School District	Bilingual instruction for grades 1 to 3	do	161,500
Weslaco	Weslaco Independent School District	Project language	do	51,500
Zapata	Zapata Independent School District	Catch up	do	47,500
Total				2,028,670
Utah: Blanding	San Juan School District	Bilingual education project for Navajo	Navajo	66,500
Wisconsin: Milwaukee	Milwaukee Board of School Directors	Milwaukee bilingual education project	Spanish	45,258
Total grants				7,572,568

A POSITION ON HUNGER

Mr. McGOVERN. Mr. President, the Delta Ministry of Mississippi, the Mississippi Freedom Democratic Party, and the Mississippi Welfare Rights Organization on May 21, 1969, released a position paper entitled "A Position on Hunger." Their position paper demonstrates beyond any doubt the inadequacies of the present foood stamp program even in the State of Mississippi which has the highest food stamp participation rate in the country and which has a food program in every county. The statement points out that the proposal that fami-

lies with incomes of less than $30 per month be given free stamps actually "defines out most of the hungry people in Mississippi." A random sampling in the central Mississippi Delta discloses that more than 90 percent of the black families in that area have incomes of less than $3,000 per year and that 44 percent have incomes under $1,000.

Mr. President, these families are in desperate need of a food stamp program, which provides them an adequate diet at prices they can afford to pay. As the study demonstrates, the present food stamp diet of these families is totally inadequate.

I ask unanimous consent that the paper, "A Position on Hunger," be printed in the RECORD.

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

A POSITION ON HUNGER

INTRODUCTION

Poverty conditions are so dire and desperate in this country that only massive assistance can prevent the oppressive forces of hunger and malnutrition from destroying the bodies and minds of children too young to know why. This is especially true in Mississippi where incomes are the lowest in the nation. While 21.4 percent of the families in the Nation have less than $3,000 income per year, 51.6 percent of Mississippi's families fall below this poverty line. Half of the families in the central Mississippi delta (six counties: Bolivar, Humphreys, Issaquena, Sharkey, Sunflower and Washington) have disposable incomes of less than $2500.

Conditions among the State's Black families are more shocking, with 82.9 percent earning less than $3000 per year. In the delta this over 90 percent with some Counties running as high as 98 percent. Forty-four percent of the Black families in the delta have incomes under $1000; another 34 percent are existing on $1000 to $1999; 14 percent earn between $2000 and $2999. The remaining 8 percent are above the poverty line.

These families average 5.6 persons. This means that 92 percent have less than $45.00 per person per month and 78 percent have less than $30.00 per month per person. Since the Federal poverty line is around $3000 for a family of 4, it is assumed that the standard to meet needs would be around $62.50 per person per month. This means that 78 percent of the Mississippi delta Black families have less than half the per capita income to meet the necessities of life. If one is to establish a category of dire poverty, it is the abominable level.

The Nixon Administration has proposed a food program that establishes $30.00 per month income and under per family as its criteria of extreme need, sufficient to warrant grants of free food stamps. This is the establishment of a rigid criteria for determining who is so poor that he has no bootstraps and containing no flexibility in the crucial area of family size. This criteria defines out most of the hungry people in Mississippi. This a cruel hoax.

In a random sampling, covering several communities in the delta, we found that the average poor family was one with a woman head of household and five children, living on either the income from $15.00 per week as a domestic or $70.00 per month from AFDC payments. This family currently must pay $32.00 for food stamps and receives a bonus of $48.00. They must spend 46 percent of their income on food. Even so they will only have a little over $3.00 per person per week. They will have to eat meals of low nutritional value, because they will have to feed six people each meal and only have $1.00 per meal to do it.

This average poor family—with 3 children in school and two preschool age—will have $38.00 left to spend for things other than food (unless they want to buy school lunches and spend the $18.00 for that, leaving only $20). With this $38.00 they must spend a sizable amount for shelter (rent and utilities for a two-room shack in town would cost around $25.00), education, clothes, and make payments on the furniture that they are buying. This average poverty family is left out of the President's program. A program must be designed to meet their needs.

PROPOSAL

We propose a program that will meet the needs of these people, and ask the Government to enact and implement such a program immediately. This program was devised after taking a random sampling of the needy population (the compilation of the statistics is attached). We proposed that there is a minimum nutritional need of One Dollar per person per day. Free Food Stamps must be given to families to help them meet this minimum need. For some there may be a small charge, but this should be allocated on the basis of what they need to live. The State of Mississippi Welfare Department has a scale of total minimum need, flexible according to the size of the family. Only where the income exceeds two-thirds (⅔) of this total minimum need should there be any payment. And then the payment must not be more than the excess of their income over their total need.

The following scale is illustrative of the approach:

Number in family	Established minimum need	Money needed to feed family	Breaking point for ability to pay
1	100	30	65
2	150	60	100
3	175	90	120
4	200	120	132
5	230	150	140
6	250	180	160
7	275	210	180
8	300	240	200
9	315	270	210
10	325	300	215
11	350	330	230
12	370	360	245

Those who fall below the breaking point should pay nothing for their stamps, and those above the breaking point should pay only the amount they earn that is above that point for the stamps. The amount of stamps received should match the figures in the "Money Needed To Feed" column.

In addition, special bonuses should be given to people who have health problems and for pregnant and lactating mothers.

We feel this program offers two important breakthroughs in policy: 1) that the amount needed to feed a family does not go down just because income does; and 2) the ability to pay must be related to total need.

THE DELTA MINISTRY,
OWEN BROOKS, *Director.*
THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY,
Rev. CLIFTON WHITLEY, *Chairman.*
THE MISSISSIPPI WELFARE RIGHTS ORGANIZATION,
Mrs. GERALDINE SMITH, *President.*

Using our sample family of six with an income of $70.00 per month and a total food stamp allotment of $80 per month, I sample shopped at the nearest Supermarket (Safeway) to the Food Stamp Office in Greenville, Miss. on May 22, 1969. I attempted to select the best buys, while adhering to the normal practices of the poor family. The following purchases could be made for one week:

10 pounds, corn meal	$0.99
10 pounds, flour	1.13
4 pounds, lard	.99
5 pounds, sugar	.57
Salt	$0.14
Pepper	.49
4 boxes, spaghetti	.58
4 cans, tomato paste	.74
5 pounds, white potatoes	.75
4 pounds, pinto beans	.59
2 pounds, black eyed peas	.37
2 pounds, rice	.37
2 cans, corn	.43
2 boxes, grits	.50
1 box, oatmeal	.37
5 pounds, neck bones	1.25
5 pounds, pigs tails	1.45
2 chickens (wt. 2½ pounds, each)	1.40
2 packages, Jello	.24
3 cabbage heads	.45
1 package, okra	.45
2 pounds, fat back	.58
1 bottle, sirup	.79
1 pound, coffee	.79
10 packages, Kool Aid	1.00
½ gallon, milk	.61
1 pound, margarine	.20
1 dozen, eggs	.44
Subtotal	19.21
Sales tax	.96
Total	20.17

Using these purchases, we can construct the following menu:

Sunday

Breakfast: grits, eggs, and biscuits.
Dinner: chicken, dressing, peas, and cake.

Monday

Breakfast: grits, oatmeal, and biscuit.
Dinner: neck bones, spaghetti, beans, and jello.

Tuesday

Breakfast: grits, eggs, and biscuits.
Dinner: soup (pork, rice, and left over spaghetti) and potatoes.

Wednesday

Breakfast: grits, oatmeal, and biscuits.
Dinner: pigs tails, rice, cabbage & okra.

Thursday

Breakfast: grits and biscuits.
Dinner: spaghetti, corn, peas, left-over pig tails.

Friday

Breakfast: grits, oatmeal, and biscuits.
Dinner: chicken, beans, and rice.

Saturday

Breakfast: grits, and biscuits.
Dinner: neck bones, potatoes, and cabbage.

In addition, coffee for all meals; Kool Aid and corn bread for Dinners. Any attempt at a third meal, will have to come from left overs. There are notable lacks in this diet: No fruit, no red meat, no Vitamin C, milk only for one day, limited green vegetables, and just plain not enough to eat. Yet this is the best that a family can do on the amount prescribed by the current Food Stamp Program.

Shopping for the same items at a neighborhood store, frequented almost entirely by food stamp user, the results were:

10 pounds, corn meal	$1.22
10 pounds, flour	1.39
4 pounds, lard	.69
5 pounds, sugar	.75
Salt	.12
Pepper	.70
4 boxes, spaghetti	.64
4 cans, tomato paste	.80
5 pounds, potatoes (poor quality)	.50
2 pounds, rice	.39
4 pounds, pinto beans	.64
2 pounds, black-eyed peas	.39
2 cans, corn	.54
2 boxes, grits	.44
1 box, oatmeal	.39
5 pounds, neck bones	1.75
5 pounds, pig tails	1.00
2 chickens	2.00

2 packages, jello	$0.25
3 cabbage heads (poor quality)	.30
1 package, okra	had none
2 pounds, fatback	.98
1 bottle, sirup	.69
1 pound, coffee	.95
10 packages, Kool Aid	1.00
½ gallon, milk	.63
1 pound, margarine	.20
1 dozen, eggs	.55
Subtotal	19.90
Sales tax	1.00
Total	20.90

These are the stores where many poor people shop, due to credit practices and lack of transportation adding the supermarket cost of the one item not available at the neighborhood store the total, with tax, would be $21.37, or $1.20 more (6%).

The survey figures from the six counties comprise a sampling of 581 poor families. Their situation, and the situation of those thousands they represent, is shown by the following:

The number in each income bracket:	Percent
$00 to $29.99 (154)	26
$30 to $49.99 (111)	19
$50 to $99.99 (184)	31
$100 to $149.99 (81)	14
$150 to $199.99 (32)	6
$200 or more (19)	4
The source of their income:	
Male employed (205)	35
Female employed (62)	10
Male unemployed (48)	8
Female unemployed (71)	14
Welfare, social security, or pension (195)	33
The size of their families:	
1 to 3 (113)	19
4 to 5 (119)	20
6 to 8 (169)	29
9 to 11 (133)	23
12 or more (47)	9
Monthly income per family member:	
$00 to $10.99 (264)	45
$11 to $15.99 (106)	18
$16 to $25.99 (119)	20
$26 to $45.99 (70)	13
$46 to $60.99 (18)	3
$61 and over (4)	1

WASHINGTON COUNTY

A random survey was conducted during 1968 at the Delta Ministry Office in Greenville. These people came in for assistance in purchasing food stamps, getting needed clothing, etc. These were all poverty families. With incomes ranging from nothing to $200.00 per month. The following breakdown is made from the family information forms filed on these families:

Number in each income bracket:	Percent
$00 to $29.99 (105)	32
$30 to $49.99 (79)	24
$50 to $99.99 (100)	31
$100 to $200 (37)	13
The source of their incomes was:	
Male employed (112)	34
Female employed (28)	8
Male unemployed (25)	8
Female unemployed (51)	17
Welfare, social security and pension (105)	33
The size of their families was:	
1 to 3 (75)	23
4 to 5 (71)	23
6 to 8 (85)	26
9 to 11 (65)	20
12 or more (25)	8

The significant figure, we feel, is the number of dollars per month per member of the family. The government sets the poverty line at around $3000.00 for a family of four. That would be an average of $62.50 per month per member of the family. Taking the total number in the sampling, the breakdown is as follows:

Income per family member: Number:	Percent
$00 to $10.99 (140)	44
$11 to $15.99 (50)	15
$16 to $25.99 (64)	20
$26 to $45.99 (53)	16
$46 to $60.99 (12)	4
$61 and over (3)	1

To prevent any distortion in the picture, we removed from the calculations the lowest category ($00 to $29.99) and have the following data:

$00 to $10.99 (65)	27
$11 to $15.99 (47)	20
$16 to $25.99 (61)	27
$26 to $45.99 (53)	21
$46 to $60.99 (12)	4
$61 and over (3)	1

If one excludes both the upper and lower catagories, leaving only the $30.00 to $99.00 per month families we have the following:

$00 to $10.99 (53)	40
$11 to $15.99 (25)	18
$16 to $25.99 (26)	19
$26 to $45.99 (30)	22
$46 to $60.00 (1)	1

In categories II and III there are 36% employed, but still in poverty. Of these 77% are under the figure of $25.00 per person per month available for the needs of their family.

In category IV (incomes of $100 to $200 per month) over 86% have an employed member of the family. There are still 65% with less than $25.00 per person per month to spend.

YAZOO COUNTY

The Yazoo County Voters League has, in the last two months, surveyed rural families in Supervisor's Beat No. 2. They took a random sample of 100 families for use in this hunger survey.

Number in each income bracket:	Percent
$00 to $29.99 (6)	6
$20 to $49.99 (6)	6
$50 to $99.99 (32)	32
$100 to $149.99 (32)	32
$150 to $199.99 (11)	11
$200 or more (13)	13
The source of their income was:	
Male employed (62)	62
Female employed (18)	18
Male unemployed (1)	1
Female unemployed (1)	1
Welfare, social security and pension (18)	18
The size of their families was:	
1 to 3 (3)	3
4 to 5 (9)	9
6 to 8 (38)	38
9 to 11 (38)	38
12 or more (7)	7
The monthly income per family member:	
$00 to $10.99 (37)	37
$11 to $15.99 (27)	27
$16 to $25.99 (24)	24
$26 to $45.99 (7)	7
$46 to $60.99 (3)	3
$61 and over	

These are completely rural families, with a high percentage (62%) of male heads of household employed, mostly in subsistence farming. While they do grow some of their food, they are in desperate straits. These are the people being economically forced off the land and into the cities.

BOLIVAR COUNTY

A random sample of 38 families assisted by To Mound Bayou Office of Star, Inc., showed the following:

The source of their income was:	Percent
Male employed (3)	8
Female unemployed (4)	10
Male unemployed (1)	3
Female unemployed (2)	5
Welfare, social security, and pension (28)	74
The size of their families was:	
1 to 3 (5)	13
4 to 5 (13)	34
6 to 8 (12)	32
9 to 11 (6)	16
12 and over (2)	5
Number in each income bracket:	
$00 to $29.99	
$30 to $49.99 (6)	16
$50 to $99.99 (26)	68
$100 to $149.99 (6)	68
$150 to $199.99	
$200 and over	
The monthly income per family member was:	
$00 to $10.99 (23)	60
$11 to $15.99 (11)	30
$16 to $25.99 (4)	10
$26 to $45.99	--
$46 to $60.99	--

HINDS COUNTY

The week of May 12, 1969, the Hinds County Freedom Democratic Party took a survey of a target neighborhood in Edwards, Mississippi. Of 16 families interviewed the following was found:

Number in each income bracket:	Percent
$00 to $22.99 (0)	--
$30 to $44.99 (2)	12
$50 to $99.99 (7)	44
$100 to $149.99 (3)	19
$150 to $199.99 (3)	19
$200 or more (1)	6
Total	100
The source of their income was:	
Male employed (1)	6
Female employed (2)	12
Welfare, social security or pension (13)	6
The size of their families was:	
1 to 3 (8)	52
4 to 5 (4)	24
6 to 8 (2)	12
9 to 11 (1)	6
12 or more (1)	6
The monthly income per family member:	
$00 to $10.99 (1)	6
$11 to $15.99 (1)	6
$16 to $25.99 (7)	44
$26 to $45.99 (6)	38
$46 to $60.99 (1)	6
$61 and over (0)	--

ISSAQUENA AND SHARKEY COUNTIES

During April Delta opportunities served a number of families in Sharkey and Issaquena counties. In the available file there were 26 families. When we compiled the family statistics we found:

Number in each income bracket:	Percent
$00 to $29.99 (2)	8
$30 to $49.99 (6)	23
$50 to $99.99 (9)	34
$100 to $149.99 (6)	23
$150 to $199.99	--
$200 and over (3)	12
The source of their income was:	
Male employed (14)	54
Female employed (3)	12
Male unemployed (2)	8
Female unemployed	--
Welfare, social security and pension (7)	26
The size of their families was:	
1 to 3 (6)	23
4 to 5 (4)	16
6 to 8 (7)	26
9 to 11 (6)	23
12 and over (3)	12
The monthly income per family member was:	
$00 to $10.99 (9)	36
$11 to $15.99 (8)	30
$16 to $25.99 (6)	23
$26 to $45.99 (1)	3

The monthly income per family member was: *Percent*

$46 to $60.99 (2)	8
$61 and over	--

TALLAHATCHIE COUNTY

The Tutwiler Office of the Delta Ministry has been assisting families with food stamps and welfare problems. The figures below represent the 80 families that have been assisted.

Number in each income bracket:	*Percent*
$00 to $29.99 (41)	52
$30 to $49.99 (12)	15
$50 to $99.99 (10)	12
$100 to $149.99 (10)	12
$150 to $199.99 (5)	6
$200 or more (2)	3
Their source of income was:	
Male employed (13)	16
Female employed (7)	9
Male unemployed (19)	24
Female unemployed (17)	21
Welfare, social security or pension (24)	30
The size of their families was:	
1 to 3 (15)	19
4 to 5 (17)	21
6 to 8 (24)	30
9 to 11 (16)	20
12 or more (8)	10
The monthly income per family member:	
$00 to $10.99 (54)	67
$11 to $15.99 (8)	10
$16 to $25.99 (14)	17
$26 to $44.99 (3)	5
$45 to $60.99	-----
$61 and over (1)	1

NATIONAL COMMITMENTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. The resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The Senate resumed the consideration of the resolution.

AMENDMENT NO. 49

Mr. MUNDT. Mr. President, on behalf of myself and the distinguished Senator from Connecticut (Mr. DODD), both of us members of the Committee on Foreign Relations, I submit an amendment in the nature of a substitute for the so-called commitments resolution, which is now on the desks of Senators. I ask that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of the amendment in the nature of a substitute which Senator DODD and I are submitting.

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

AMENDMENT NO. 49

Strike out all after the word "*Resolution*" and insert in lieu thereof the following:

"Whereas the executive and legislative branches of the United States Government have joint responsibility and authority under the Constitution with respect to the foreign policy of the United States: Now, therefore, be it

"*Resolved*, That a national commitment for purposes of this resolution means a promise to a foreign state or people to use, the Armed Forces of the United States in hostilities either immediately or upon the happening of certain events, and

"That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, no national commitment shall be made without appropriate affirmative legislative action and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate affirmative legislative action, except when such use is to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to proect United States citizens and property."

Mr. MUNDT. Mr. President, I ask unanimous consent that some of the background and history by which the so-called commitments resolution has been evolved be printed in the RECORD.

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

On August 23, 1967, the committee received testimony from Senator Sam J. Ervin, Jr., of North Carolina, who said that the President has come to exercise "virtually plenary power to determine foreign policy and decide on war or peace," and that "it is time for us to end the continual erosion of legislative authority and the concomitant growth of power in the executive branch, and to reassert the constitutional prerogatives of the Congress in the formulation of foreign affairs." As to the war power, Senator Ervin said that "a distinction must be drawn between defensive warfare and offensive warfare. There is no doubt whatever that the President has the authority under the Constitution, and, indeed, the duty, to use the Armed Forces to repel sudden armed attacks on the Nation. But any use of the Armed Forces for any purpose not directly related to the defense of the United States against sudden armed aggression, and I emphasize the word "sudden" can be undertaken only upon congressional legislation." [1]

Congressman Paul Findley, of Illinois, expressed the view on August 23, 1967, that the United States had become involved in war in Vietnam without taking the required constitutional steps and that "lack of compliance with constitutional procedure has had the effect of denying to our Nation a powerful unifying force." Congressman Findley recommended consideration by Congress of a joint resolution stating that "the appropriate committees of each House of Congress shall immediately consider and report to their respective bodies their determination as to whether further congressional action is desirable in respect to policies in Southeast Asia." [2]

Also testifying on August 23, 1967, Prof. W. Stull Holt, of the University of Washington, said that "aside from the making of treaties there is no constitutional or legal requirement that the President must take the advice of the Senate or any of its Members on foreign policy." The Senate's treaty power, however, "has truly suffered from erosion," said Professor Holt, as the result of recourse to executive agreements, which "are obviously used to evade the constitutional participation of the Senate in making international commitments." Professor Holt thought, however, that "in most cases the Senate can influence foreign policy through public debate and the pressure of public opinion." Professor Holt said that, although he would vote for Senate Resolution 151 if he were a Member of the Senate, he thought that "if passed it will have little or no effect," that, owing to the position of the United States in the world, "perhaps unfortunately there is no solution and * * * we must expect to learn to live with executive agreements and national commitments through them for years to come." [3]

In a written statement in support of Senate Resolution 151, Senator Peter H. Dominick, of Colorado, raised the question "as to what extent a national commitment which is binding upon the United States can result from an impromptu meeting between our President and the head of a foreign power." We are almost at the point, said Senator Dominick, where "Congress no longer is requested to advise on matters of foreign relations, only to consent to what has already been reduced to finality. We need to redefine with utmost clarity the limitations imposed upon the power of the President by the Constitution and the responsibilities clearly assigned to the Congress." [4]

The committee heard public witnesses on September 19, 1967.

Dr. Albert Lévitt, of Hancock, N.H., a former judge and constitutional scholar, strongly supported the resolution. "It is my firm belief," he said, "that the President, functioning as Commander in Chief of the Army and the Navy, cannot enter into any 'national commitments of the United States to a foreign power' unless a treaty or a statute gives him the authority to do so." Suggesting that the language of the resolution was imprecise, Dr. Lévitt recommended that the operative section be rephrased to read:

Resolved, That it is the opinion and the judgment of the Senate of the United States—

(1) that the term "national commitment" means "a promise that is made by the People of the United States"; and

(2) that a national commitment can be made to a foreign Nation, or State, or People, or Power, only, (i) in a Treaty which is made by the President of the United States, by and with the advice and consent of the Senate, or (ii) in a Law which is passed by the Congress of the United States; and

(3) that the Treaty or Law must state in express, clear, definite, precise, and explicit words what the specific national commitment is; and

(4) that the Treaty or Law must not violate, or be inconsistent with, any provision of the Constitution of the United States. [5]

Mr. George M. Montross endorsed the resolution as "a turning point, a warning that henceforth the Constitution is to be observed." "It would be incumbent upon Congress," he said, "to divest itself of the idea that a President is all wise and not subject to mistake; its members must be brought to realize that their allegiance is to the Constitution representing the people—not to the President. They must face up to the responsibility conferred upon them by the Constitution." [6]

Mrs. Cecil Norton Broy, of Alexandria, Va., said:

"I feel very strongly that our country is facing great danger in the present situation in which commitments to foreign policy are being made in the name of the United States without the participation of our legislators." [7]

The committee met in executive session to consider the resolution on September 12

[1] "U.S. Commitments to Foreign Powers," p. 194.

[2] "U.S. Commitments to Foreign Powers," p. 231.

[3] "U.S. Commitments to Foreign Powers," pp. 238, 241–242, 243, 244.

[4] "U.S. Commitments to Foreign Powers," p. 236.

[5] "U.S. Commitments to Foreign Powers," p. 282.

[6] "U.S. Commitments to Foreign Powers," pp. 305, 309.

[7] "U.S. Commitments to Foreign Powers," p. 317.

and 22, October 1, and November 1 and 16, 1967. Questions were raised as to the timing and possible short-term effects of the resolution, but members expressed little if any disagreement with the purpose of the resolution, which was finally approved by a vote of 16 to 0. In the form in which it was adopted at that time the resolution read as follows:

Whereas the executive and legislative branches of the United States Government have joint responsibility and authority to formulate the foreign policy of the United States; and

Whereas the authority of initiate war is vested in Congress by the Constitution: Now, therefore, be it

Resolved, that a commitment for purposes of this resolution means the use of, or promise to a foreign state or people to use, the armed forces of the United States either immediately or upon the happening of certain events, and

That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the armed forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property properly will result from a decision made in accordance with constitutional processes, which, in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment.

Senate Resolution 85, which was reintroduced in the Senate by Senator Fulbright on February 4, 1969, was considered by the committee in executive session on February 25, and March 12, 1969. On the latter occasion the committee had before it a letter to the chairman from the Assistant Secretary of State for Congressional Relations, William B. Macomber, Jr., enclosing the State Department's comments on Senate Resolution 85.

The State Department's comments of March 10, 1969, express substantially the same view as that expressed by Under Secretary Katzenbach in August 1967. Closely paralleling Mr. Katzenbach's view, Mr. Macomber, in his letter, asserts that "the Constitution itself has few provisions regarding foreign affairs" and that "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."

Mr. Macomber further asserts that "a resolution could not change the constitutional powers of the President" and that it is the intention of the administration "to engage in frequent and full consultation with the Congress * * *."

In its comments on Senate Resolution 85, the Department of State professes to find the scope of resolution "unclear" and repeats Mr. Macomber's assertion that "a resolution * * * could not, in any event, change the constitutional powers of the President." The Department of State also avers that "the Constitution gives the President the power to enter into many agreements and to initiate many actions that can be considered to be commitments to other countries"; that "the President has—and necessarily must have—the power to make many commitments to foreign powers"; and that, as Commander in Chief, "the President has the constitutional power to send U.S. military forces abroad without specific congressional approval." The State Department's comments cite as instances of congressional participation in the making of foreign policy the Senate's consent to the ratification of the United Nations Charter and a number of other treaties. Finally, it is asserted that, "consistently, Congress is informed and consulted concerning both the implementation of existing commitments and policy and the planning of new initiatives," and that "the executive and legislative branches have worked and do work well together in the field of foreign affairs." On these grounds the Department of State recommends against the adoption of Senate Resolution 85. (The State Department's comments of March 10, 1969, and Mr. Macomber's accompanying letter, appear as an appendix to this report.)

Reconsidering both the amended version of the resolution which had been adopted on November 16, 1967, and the simpler, more extensive original version, the committee judged that the latter more accurately represented its own view of the problem of "national commitments." In addition, on the basis of informal soundings, the simpler version seemed also more nearly to represent a consensus of concerned opinion in the Senate as a whole. On March 12, 1969, the committee (which had been reduced in size from 19 to 15 members at the beginning of the 91st Congress) approved the resolution as printed at the beginning of this report by a vote of 11 to 1.

The primary purpose of the resolution is understood by the committee to be an assertion of congressional responsibility in any decision to commit the Armed Forces of the United States to hostilities abroad, be those hostilities immediate, prospective, or hypothetical. The committee intends the resolution to apply only to future decisions involving the use or possible use of the Armed Forces of the United States. The resolution will not alter existing treaties, acts of Congress including joint resolutions, or other past actions or commitments of the Government of the United States. As used in Senate Resolution 85, the term "commitment" is understood to refer to the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.

The committee strongly emphasizes the nonpartisan character of the resolution. Unanimously adopted by the committee during a Democratic administration, it was withheld from the Senate floor after President Johnson's speech of March 31, 1968, lest it interfere with or obstruct in any way the movement toward peace in Vietnam which was initiated at that time. Now during a Republican administration, and with only one dissenting vote, the committee reaffirms its belief in the importance of this resolution, not as a political or partisan expression but as an assertion of basic constitutional principle.

COMMITTEE COMMENTS

"* * * The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."[8]

"* * * The experience through which the world has passed in our own day has made vivid the realization that the framers of our Constitution were not inexperienced doctrinaires. These longheaded statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. * * * The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority."[9]

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 separated powers checked and balanced against each other. For causes to be detailed in the following pages, the executive has acquired virtual supremacy over the making as well as the conduct of the foreign relations of the United States.

The principal cause of the constitutional imbalance has been the circumstance of American involvement and responsibility in a violent and unstable world. Since its entry into World War II the United States has been deeply, and to a great extent involuntarily, involved in a series of crises which have revolutionized and are continuing to revolutionize the world of the 20th century. There is no end in sight to these global commotions; there is no end in sight to deep American involvement in them. Because of the indefinite duration of our country's involvement in world crisis, it is more rather than less necessary to examine the effects of this involvement on the American system of government. Unless it is believed that a government of limited and divided powers is no longer feasible, or no longer desirable, insofar as foreign relations is concerned, it is incumbent upon us to ask how such a government can be accommodated to modern world conditions.

The committee believes that changed conditions, though the principal cause of the present constitutional imbalance, are not its sole cause. It believes that events have been aided and abetted by what Justice Frankfurter called the "generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority." Both the executive and the Congress have been periodically unmindful of constitutional requirements and proscriptions, the executive by its incursions upon congressional prerogative at moments when action seemed more important than the means of its initiation, the Congress by its uncritical and sometimes unconscious acquiescence in these incursions. If blame is to be apportioned, a fair share belongs to the Congress. It is understandable, though not acceptable, that in times of real or seeming emergency the executive will be tempted to take shortcuts around constitutional procedure. It is less understandable that the Congress should acquiesce in these shortcuts, giving away that which is not its to give, notably the war power, which the framers of the Constitution vested not in the executive but, deliberately and almost exclusively, in the Congress.

More important than the allocation of blame, of which there is a fair share for all concerned, is the identification of causes and the prescription of correctives for the existing constitutional imbalance. The committee believes that the basic cause has been the unfamiliarity of world involvement and recurrent crisis to the American people and their government. Prior to 1940 foreign crises were infrequent and therefore put no lasting strain on our institutions.

Since 1940 crisis has been chronic and, coming as something new in our experience, has given rise to a tendency toward anxious expediency in our response to it. The natural expedient—natural because of the real or seeming need for speed—has been executive action. In instances such as the undeclared naval war we fought with Germany prior to the formal declaration of war in December 1941, the Korean war, the intervention in Lebanon, the two crises over Cuba, the Dominican intervention and the Vietnamese war, we have not deliberately overriden our constitutional processes; rather, we have

[8] *Myers* v. *United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

[9] *Youngstown Co.* v. *Sawyer*, 1952, 343 U.S. 593–594, Mr. Justice Frankfurter concurring.

been unmindful of them. Perceiving, and sometimes exaggerating, the need for prompt action, and lacking traditional guidelines for the making of decisions in an emergency, we have tended to think principally of what needed to be done and little, if at all, of the means of doing it.

A close analysis of recent statements on the war power by officials in the executive branch (to which further and more specific reference will be made in section 4 of the committee's comments) shows a lack of concept and clarity. Sometimes it is contended that the President has full authority as Commander in Chief to commit the country to war. Sometimes it is said that the consent of Congress is required but that this can be rendered by indirection—by broadly phrased policy resolutions, by appropriations to finance commitments already made, or, tacitly, by the failure of Congress to take some specified action. The prevailing view in recent years seems to have been that the President has the authority to commit the country to war but that the consent of Congress is desirable and convenient. The inconsistency of these statements and the offhand way in which they are made—in response to questions by Congressional committees and by the press—suggest that they have not been given serious consideration. They are, for the most part, *ad hoc* and *ex post facto*, designed to give pleasing or persuasive answer to a difficult question and, even more, to justify some action which has already been taken. Lacking consistency and constitutional foundation, these statements reflect the habit of expediency into which we have fallen in our dealings with crisis abroad. They reflect a *de facto* philosophy of executive supremacy in the making of foreign policy.

Entering our second quarter century as an active world power, we should by now be sufficiently acquainted with crisis and world involvement to be able to restore our decision making to institutional foundations. The effort to do so might, conceivably, reveal that the war power of the Congress, and perhaps the very system of checks and balances, are obsolete, in which event it would be necessary to amend the Constitution—by one of the procedures for doing so set forth in the Constitution. A constitutional amendment giving the President plenary powers in foreign policy would, in the view of the committee, be dangerous to American liberties; it could, however, be justified if our system of separated powers, checked and balanced against each other, were to prove so incapable of meeting foreign emergencies as to undermine national security. What cannot be justified is the alteration of the Constitution by expediency and inadvertency. Precedent and practice, long established, can acquire the force of law, but change is not its own justification; the mere exercise of a power does not legitimize it and, under our system of law, bad precedents can be reversed.

The committee believes that the division of powers spelled out in the Constitution is in fact compatible with our country's role as a world power. The principal purpose of that division, as Justice Brandeis noted, is liberty rather than efficiency, but, unless speed is equated with efficiency and deliberation held to be an obstacle to it, there is no reason why we cannot have under our system of government a foreign policy which is efficient as well as democratically made. Indeed, it can be argued that the division and limitation of powers are indispensable to American foreign policy.

Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country. These values are largely expressed in *processes*—in the *way* in which we pass laws, the *way* in which we administer justice, and the *way* in which government deals with individuals. The means of a democracy *are* its ends; when we set aside democratic procedures in making our foreign policy, we are undermining the purpose of that policy. It is always dangerous to sacrifice means to ostensible ends, but when an instrument such as foreign policy is treated as an end in itself, and when the processes by which it is made—whose preservation is the very objective of foreign policy—are then sacrificed to it, it is the end that is being sacrificed to the means. Such a foreign policy is not only inefficient but positively destructive of the purposes it is meant to serve.

For these reasons the committee believes that the restoration of constitutional balance in the making of foreign commitments is not only compatible with the requirements of efficiency but essential to the purposes of democracy. The committee does not share Mr. Katzenbach's view that the demarcation of authority between President and Congress can and should be left to be settled "by the instinct of the nation and its leaders for political responsibility."[10] Nor does the committee share the more recently expressed view of the Department of State, conveyed by Mr. Macomber, that, because the Constitution contained few provisions regarding foreign relations, "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." The framers of the Constitution gave us more specific and reliable guidelines for drawing the line of demarcation, particularly as to treatymaking and the authority to commit the country to war. The latter, as we shall see, was not divided except in a very limited sense. Excepting only the necessary authority of the President to repel a sudden attack, the war power was vested in the Congress. Only in recent years has it passed to the executive, contributing to the dangerous tendency toward executive supremacy in foreign policy, a tendency which the committee hopes to see arrested and reversed.

Mr. MUNDT. Mr. President, the Committee on Foreign Relations, on November 20, 1967, by unanimous action, approved and sent to the Senate a carefully amended commitments resolution. I ask unanimous consent that the text of the resolution as it was placed before the Senate in 1967 be printed at this point in the RECORD.

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

S. RES. 187

Whereas the executive and legislative branches of the United States Government have joint responsibility and authority to formulate the foreign policy of the United States; and

Whereas the authority to initiate war is vested in Congress by the Constitution; Now, therefore be it

Resolved, That a commitment for purposes of this resolution means the use of, or promise to a foreign state or people to use, the armed forces of the United States either immediately or upon the happening of certain events, and

That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the armed forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property will result from a decision made in accordance with constitutional processes, which, in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment.

Mr. MUNDT. Mr. President, so that we may see exactly what has transpired in the intervening months, I ask unanimous consent to have printed in the RECORD the commitments resolution in the form in which it is now before the Senate.

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

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That it is the sense of the Senate 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 specifically intended to give effect to such a commitment.

Mr. MUNDT. Mr. President, I invite attention to the fact that in this long process of deliberation, what was originally expressed in 1967 as the clearcut intention of the Committee on Foreign Relations, by a unanimous vote, and what we believed then, and I believe now, to be the desire of the Senate to recapture an additional amount of control in terms of foreign policy and military ventures, has now been obscured. The target is now unclear. What the Committee on Foreign Relations was endeavoring to do in 1967 was as clear as a path to a country schoolhouse, but we now have before us a resolution that says "That it is the sense of the Senate that a national commitment by the United States to a foreign power"—and then continues to put restrictions upon it.

We have before us a resolution in which the word "commitment" is nowhere defined. It means all things to all men. I submit that it can mean far too much, or it can mean far too little. At best, it fails to spell out what I think is the desire of Congress and the country to put some specific restrictions on the use of the Armed Forces in foreign fields by executive action.

I do not propose, however, to debate the amendment today.

The PRESIDING OFFICER. May the Chair ask the Senator from South Dakota if he has offered the amendment or simply desires that it be printed?

Mr. MUNDT. I have submitted it for printing.

The PRESIDING OFFICER. Does the Senator intend that the amendment be pending at the present time?

Mr. MUNDT. No; today I am merely submitting it to be printed. I shall call it up tomorrow or at some appropriate time.

I do not propose to debate the merits of the amendment in the nature of a substitute at this time but I think Senators should have before them, in reading the RECORD, a history of the national commitments proposal.

I am sure the Senator from Connecticut and I, and other Senators, will discuss during the rest of the debate why

[10] See p. 2.

we believe this amendment is a much more prudent, positive, and impelling kind of resolution than is Senate Resolution 85 as it is now before us. Our amendment is far more clear-cut than the masterpiece of ambiguity which is now before the Senate, placed here by the Committee on Foreign Relations.

In 1967, the Senate committee spent a great deal more time deliberating on the proposal, modifying it, and changing it. This year it was handled by abrupt and speedy action at a committee meeting I was unable to attend. For that reason, I believe the Committee on Foreign Relations this year failed to spell out what every Senator, Representative, and citizen has a right to know when we deal with the historic problem of the division of powers. I hope all Senators will carefully compare Senate Resolution 85 with the Mundt-Dodd substitute which we have today introduced.

Mr. DODD. Mr. President, I am happy to join the Senator from South Dakota in submitting the amendment. He has expressed the situation exactly as it is. Our proposal is a great improvement over the resolution now before the Senate.

I can sum up my own feeling by saying that after studying Senate Resolution 85, now before us, I have come to the conclusion that it goes too far in one direction, and not far enough in the other. It is just backward, in my judgment, from the way it should be.

Tomorrow, I expect to discuss the amendment in greater detail. I hope that Senators will read the amendment. If they will do so, I think they will find that we are on the right track, the track the Senate ought to take.

Now is a bad time in history to be signaling to our opponents in the world that we seek to tie the hands of the President.

I believe that the amendment we have submitted is a distinct improvement upon the resolution which is now before the Senate, and that it will achieve what most of us want to achieve.

On many occasions since I became a Member of Congress I have heard it said, "You do not trust the President," or "You do not trust the Secretary of State," or you do not trust this person or that person.

This was the poor excuse repeatedly used to overwhelm those who resisted the delegation of congressional power to the executive.

The birds have come home to roost.

And now we rush headlong to another extreme.

And so over a period of years we have delegated one legislative power after another to the executive. It is time to correct this unfortunate situation.

But we must be temperate, reasonable, and realistic about the correction.

I am happy that the Senator from South Dakota has offered the amendment, and I am happy to join him in offering it.

Mr. GORE. Mr. President, the pending resolution is one of the most significant measures to come before the Senate in the 16 years I have been a Member of this body, not because of operative provisions, of which it has none, but because it manifests a determination on the part of the U.S. Senate to exercise an expanding and changing responsibility in the ever changing and expanding role of the United States in world affairs. The failure of the Senate to function as the Founding Fathers intended, now widely recognized, is not attributable to its many inherent structural defects, it is, rather, due primarily to our failure to perform, individually and collectively, as members of an independent, coequal branch of Government. The pending resolution can be an important step toward restoring the Senate's traditional proper function in the formation of foreign policy.

But, Mr. President, there is now open to the Senate an opportunity of a new dimension to the constitutional function of advise and consent. I speak here of a role for the Senate and for the people in participatory democracy which could not have been foreseen by our Founding Fathers, I admit, but one for which the Constitution, in my opinion, amply provides, and one which modern means of communication and the educational level of our people now make possible. I have in mind, Mr. President, a massive involvement of the people in the decisionmaking process, an educational function for the Senate and an influence for enlightened public opinion which our experience with the ABM and Vietnam issues has clearly revealed as both possible and promising.

Let me be specific, Mr. President, up to a point. Later, I shall expand a bit but, for the moment let us examine our experience with the issue of deployment of an antiballistic missile weapon system. It appeared appropriate for the Subcommittee on disarmament, of which I am the chairman, to inquire into this question which is of such great import not only upon foreign policy and the nuclear armaments race, but also upon domestic policy in allocation of national resources.

When the question was before the Senate last year and the year before, my subcommittee held exhaustive hearings behind closed doors. The committee members amassed a volume of information that caused a majority of them to oppose deployment of the Sentinel ABM system.

But, Mr. President, we hid our candles under bushels. We had but little success in imparting even to our colleagues, our concern. There was an extremely small involvement of the public in the question.

This year I recommended to the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT), and to the members of the Subcommittee on Disarmament that we involve the American people in the decision on this issue by the widest possible use of education facilities and communication functions. The chairman consented and the subcommittee members agreed.

With the aid of a competent staff and with maximum and praiseworthy cooperation of the intellectual community we proceeded to prepare and hold public seminars on the issue. The result has been an unprecedented involvement of our people in decisionmaking on an extremely sophisticated issue, a truly national debate in which millions of people, even millions of students and children, have participated. It has been, I think, a milestone in participatory democracy.

And why not? It is their lives, their country and their world that are threatened with nuclear destruction. It is their resources to be allocated.

My point, irrespective of the outcome of the issue, is that we have achieved a new and promising level in public enlightment on a complicated issue and a new and promising role for the Senate and for the people in our democratic processes.

Perhaps it will be begging the point, Mr. President, to cite the influence and effect of the education and communication role of the Senate on the Vietnam war policy. Yet, I must cite it as another milestone in participatory democracy. For years now, notably beginning with the fireside chats of President Franklin Roosevelt, U.S. Presidents have gone over the heads of Congress to the American people. This tactic was developed by President Lyndon Johnson to such an extent that a state of the Union message became a prime time television pitch to the people with a joint session of Congress as a backdrop.

During the opening day of the now famous public hearings of the Senate Foreign Relations Committee on Vietnam war policy, I said "We have been unable to reach the President, so we are going over his head to the American people."

This is precisely what we did. It had far-reaching effects. True, it promoted dissent, but it made dissent respectable; true, the war was made a deeply divisive issue, but a dangerous, bloody course of constant escalation of an ill-advised war was halted by an enlightened and an aroused public opinion; true, it plunged the Senate and Senators into the vortex of the most controversial U.S. policy decision since the Civil War, but this experience in public involvement in policy decision has widened the horizon for democratic processes, and it has widened, too, the opportunity for an enlarging role for the Senate in the exercise of the advise and consent function.

Although this is a forward-looking resolution, it is impossible to ignore the fact that its origin is the American involvement in Vietnam. This resolution cannot alter the fact that some 635,000—including those at sea and in Thailand—American boys are committed to a stalemated conflict which has torn our Nation asunder. But it may prevent future Vietnams. That is, indeed, its purpose

Great tragedies are cause for self-examination and it is fitting that we, in the Senate, examine this fundamental issue of governmental power while the Vietnam war still rages. It is fitting, not because passage of this resolution will have any direct bearing on bringing our boys home and peace to that tortured land, but because recent developments concerning our forces in Vietnam illustrate the significance of this resolution.

We now have 542,000 men in Vietnam, with an additional 90,000 elsewhere in the area who are involved in the war. The President announced at Midway that 25,000 U.S. troops will be withdrawn, half

the number generally predicted. Of these, we are advised through the press, 16,000 will remain at other bases in the Pacific, leaving a net withdrawal of only 9,000 men from the region. The President has since expressed a hope that all ground combat forces can be withdrawn by the end of 1970, as former Secretary of Defense Clifford had proposed in his article in Foreign Affairs. As far as I can determine, there is no reliable basis for such a hope unless there is a change in U.S. policy which divorces our interests from those of the Thieu government. But assuming that hope is realized, the United States would still maintain a massive presence in South Vietnam, if the recent selective leaks to the press from administration sources can be relied upon.

There is emerging, then, it seems, a strategy of gradual withdrawals that would leave behind a "residual force," as the New York Times put it, of about 200,000 at the end of 3 years. Such a policy can mean only one thing—a determination to use American troops to keep the Saigon government in power. If this strategy is followed, I think we will find the United States saddled with another South Korean-type ending, bogged down indefinitely in another Asian quagmire with neither peace nor war. And we will find the national honor committed to defend a particular government without approval, in any way, of that commitment by the Senate, by the Congress or by the people.

It is my view that the American people, if permitted a voice in whether or not our power and prestige, our resources and the lives of our men should be used to prop up the Thieu government, would reject any such commitment.

But the American people have been powerless in controlling the Vietnam war. They voted against war in 1964—and 4 months later U.S. combat troops were sent to Vietnam. In 1968, they rejected the war policy they had voted against 4 years earlier—and the killing continues without sign of ending. Is there any wonder that there is frustration and rage throughout the land?

So the American people see their leaders aiming, apparently, for the permanent colonization of South Vietnam, tied to a government whose practices are anathema to our citizens who will pay the bill for keeping it in power, all without the express consent of their elected representatives.

I have now proposed that the Senate Foreign Relations Committee undertake another involvement of the public in a study of the question of an appropriate Vietnam peace policy.

Fifteen years ago the late John Foster Dulles, then Secretary of State, assured the Senate Committee on Foreign Relations that the SEATO Treaty, which has been used to justify this war, would not commit the United States to maintaining large land forces in Asia. Just the opposite was intended, he said:

> We do not intend to dedicate any major elements of the United States military establishment to form an army of defense of this area. . . . It would involve, in the opinion of our military advisors . . . an injudicious over-extension of our military power if we try to build up that kind of an organization in Southeast Asia. . . . We do not have the adequate forces to do it, and I believe that if there should be an 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.

During the floor debate the record was replete with assurances that we would not become bogged down in Asia by ratifying the treaty.

Chairman Walter George summarized the Committee on Foreign Relations' understanding of the treaty as follows:

> The Committee is satisfied there will be no commitment in the Far East, in particular, sending troops into the mainland of Asia, without Congressional knowledge or approval.

Senator Alexander Smith, during the debate, explained:

> For ourselves, the arrangement means that we will have avoided the impracticable overcommitment which would have been involved if we attempted to place American ground forces around the perimeter of potential Chinese ingress into Southeast Asia . . . From now on, any further aggression will set in motion the defense potentialities of eight nations.

Yet, what do we see in Asia today—55,000 U.S. troops in Korea, 40,000 in Thailand, 35,000 in Japan, 25,000 in the Philippines, 40,000 on Okinawa, and thousands more throughout the area. Asia is like Uncle Remus' tarbaby. There seems to be a strange fascination there for the United States: We do not seem to know how to deal with the problem.

The Koreans appear as wide of a political settlement as they were when the armistice was signed. Fifty-five thousand U.S. soldiers, and hundreds of millions of dollars annually in foreign aid, are required to protect South Korea, yet her armed forces, population, and GNP are far greater than those of North Korea—which, as far as I know, does not have any Chinese or Soviet forces on her soil. Some 200 men from other countries help legitimize the use of the term "U.N. Forces" to characterize our involvement.

The 40,000 U.S. troops in Thailand, according to what the Foreign Relations Committee has been told, are there to support the war in Vietnam, not to become involved in Thailand's internal subversion problem. But, following the recent SEATO meeting in Bangkok the Thai Foreign Minister, Thanat Khoman, according to the New York Times, "hinted at her possible future demands for continued American commitment to the Asian mainland." The United States has no obligation under the SEATO Treaty, or any other constitutional commitment, to help Thailand combat internal subversion. Secretary of State Rusk, however, in a joint declaration with Foreign Minister Khoman in 1962, stated:

> The firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion.

Under the SEATO Treaty the United States is committed only to "consult immediately" with the other signers, in the event Thailand should be threatened by subversion. Secretary Dulles explained the obligation in this manner to the Foreign Relations Committee:

> 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 propagated by Communism it would be a very grave threat to us. But we have no understanding to put it down; all we have is an undertaking to consult together as to what to do about it . . . and then try to agree whether it calls for action.

Charges were made in the committee that the treaty was likely to commit us to involvement in local subversion problems, as Secretary Rusk implied we are committed in Thailand. In reply to such charges, Senator George told the Senate:

> (Article IV:2) . . . does not mean that the United States has undertaken to suppress, bona fide, local revolutions, by the native population, wherever they break out . . . if there were a subversive revolutionary movement in, let us say, Vietnam or Thailand, propogated by Communism, that would be regarded as a threat to us. Even in that event we would not be bound to put it down.

Thailand knows quite well that the United States is not committed under the SEATO Treaty to tackle her subversion problems. She knows that the presence of U.S. troops constitutes the real commitment of the U.S. flag and that as long as those troops remain the United States is in danger of being sucked into involvement in a civil war, as happened in Vietnam. The Johnson administration began bombing North Vietnam after the Vietcong blew up a U.S. barracks at Pleiku. What will the Nixon administration do when Thai guerrillas raid one of our bases? The U.S. Senate has never endorsed the Rusk-Khoman declaration, or the stationing of 40,000 troops in Thailand, yet the American flag is there in force and the threat of deeper involvement is great.

When the Senate was being asked to rubberstamp the Southeast Asia resolution in August 1964, following the alleged attacks on our destroyers in the Gulf of Tonkin, the Johnson administration did not consider that we were then obligated under the SEATO Treaty to come to South Vietnam's rescue. Secretary Rusk told the Foreign Relations Committee on August 6, 1964:

> The SEATO Treaty is a substantiating basis for our presence there and our effort there, although, however, we are not acting specifically under the SEATO Treaty.

Two years later, while stressing a SEATO obligation, he admitted to the committee that there was probably no legal obligation for us to go to war in South Vietnam's behalf, as we had done by that time. I think history will prove that the SEATO Treaty was far more a justification than an obligation for American intervention.

The argument has been made that this resolution "will tie the President's hands" in an era when quick response is essential. I believe that more deliberation, rather than more speed, is the imperative need today in determining U.S. policy in crisis situations.

The danger of nuclear annihilation is too omnipresent for one man to hold the power to commit our vast forces to any troublespot on the globe, for the Senate sedately to refrain from imaginative involvement of itself and of the people in decisionmaking and in policy formulation. The hasty response—in both the

executive and the legislative branches—to the Gulf of Tonkin incidents should have taught us something. Our Nation went to war in Vietnam, not in fulfillment of a binding treaty obligation, not in response to any congressional mandate, but because the President of the United States decided to do so. Former Under Secretary of State Katzenbach, fresh from the office of Attorney General, called the Southeast Asia resolution the "functional equivalent" of a declaration of war. Never in my experience has the Congress been so misled, and its intent so distorted in application, as was the case with this resolution. The proposal, presented as a device to strengthen the President's hand in taking retaliatory action against what we were told were "deliberate and unprovoked attacks" on U.S. destroyers, sailed through the Congress in response to the urgent pleadings of the President and his highest advisers. At that time we had some 20,000 advisers in Vietnam. The Congress was deceived both as to the facts about the incidents in the Gulf of Tonkin and as to the purpose of the resolution.

The policy intent of the Senate in passing the resolution is clear from the colloquy the chairman of the committee, the distinguished Senator from Arkansas, had with the junior Senator from Wisconsin (Mr. NELSON). Senator NELSON proposed a clarifying amendment to spell out the policy underlying the amendment which read, in part:

> Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict."

The Senator from Arkansas (Mr. FULBRIGHT), in reply, said about the amendment:

> It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

In fact, Mr. President, under current practices, what the President of the United States says in the field of war becomes, ipso facto, policy, or at least, is regarded as policy. We have seen this in President Nixon's off-the-cuff remarks regarding the suggestions of Mr. Clark Clifford.

Mr. President, this resolution will not tie the hands of the President any more than the authors of the Constitution intended. Congress, not the Executive, was given the power to declare war. Thomas Jefferson, in a letter to James Madison in 1789, wrote:

> 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.

Congress has not followed the mandate of the Founding Fathers. We have shirked our responsibilities and handed the leash to the dog of war to the executive branch, which let our great Nation slip and slide into an Asian morass that has already cost us over 36,000 dead, 240,000 wounded, much of our world prestige, and our national unity. In treasure, one recent estimate puts the ultimate cost at $350 billion, when future veterans benefits and interest on the debt are calculated. This resolution represents a will to repossess that leash.

We live in a troubled time. Our people are disillusioned with their Government, uncertain about the national purpose, and fearful of what tomorrow holds. We in the Senate are in part responsible for this troubled state of affairs, because the Senate has failed to exercise the leadership in foreign policy, for which it is responsible under the Constitution. We have temporized and compromised when we should have stood on principle; we have consented when we should have advised, and we have by inaction created a power vacuum which the executive branch was only too willing to fill.

The Senate has belatedly bestirred itself, as I have noted, in a fruitful and promising use of education and communication functions. But let this be but a beginning. On this I shall have more to say later.

This is an unruly world of 136 sovereign nations, many ripe for the outbreak of internal or regional warfare. Former Secretary Rusk, in testifying before the Senate Armed Services Committee in 1966, implied a defense role for the United States far greater than our treaty commitments. He said:

> No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration, or U.S. military presence grants immunity to aggression.

I do not believe the United States has a duty to police the world. Yet the United States has vast and farflung commitments throughout this nervous globe. We have treaties to defend 43 countries, we provide economic aid to over 70, and military aid to about 50, and our defense establishment is postulated on fighting two and one-half wars at once. The seeds of conflict are all around us. Although we have interests around the world, they are not all of equal importance and we must learn to distinguish between what is truly important and what is only desirable. We must have a reordering of priorities abroad, as well as at home. A subcommittee of the Foreign Relations Committee, under the chairmanship of the senior Senator from Missouri (Mr. SYMINGTON) is now conducting a study in depth of our foreign commitments which, hopefully, will lead to a more realistic foreign posture for our Nation.

We can continue down the road toward unlimited executive power in foreign affairs and a Pax Americana. Or we can build a more perfect democracy and maintain the system of separation of powers set forth in the Constitution and be more discriminating in the use of America's vast, but limited, resources.

I believe that each of us was elected to exercise our best judgment on issues involving war and peace. This duty we owe to our country and to our constituency.

The people who elected us, I think, expect and deserve more from their spokesmen. This resolution is a start in making the Senate fulfill its responsibilities in foreign policy. It is but a building block on which further actions can be taken. But it is a good beginning.

MILITARY MANPOWER REDUCTIONS

Mr. STENNIS. Mr. President, I am convinced that in ordinary times—I emphasize "ordinary times"—we have no necessity to maintain approximately 3,500,000 under arms, as we do today, or anything approaching that number. I am also convinced that the surest, quickest and most effective way to reduce the tremendous military budget is to reduce the number of military personnel. Since military pay and allowances alone now account for about one-third of overall military expenditures, the budget will go down rapidly as the size of the force is decreased. This is a matter to which I have given a great deal of attention in the past. I plan to give it increased attention in the future as our manpower commitments to South Vietnam decrease.

I was pleased and gratified to learn, therefore, that as a result of withdrawals from Vietnam, the U.S. Army will be able to cut its active duty roster by about 13,000 men. This is a very welcome step in the right direction and I hope it is the beginning of a trend for the Army and for its sister services as well.

The savings which are possible as a result of these actions is underlined by the fact that it cost about $10,000 a year to maintain a serviceman on active duty. Therefore, as our disengagement from Vietnam commences—and, I hope, accelerates—I trust that a reduction in active duty military manpower will become a factor of ever-increasing importance in Pentagon planning.

I feel certain that it will, and I know that we will have the cooperation of the Department of Defense.

WASTE OF FUNDS AND INEFFICIENT USE OF BOXCARS BY THE MILITARY

Mr. PEARSON. Mr. President, a matter has been brought to my attention which shows a serious waste of Federal funds and a complete neglect of the efficient use of railcar boxcars on the part of the military.

The problem is that certain military shipping operations have incurred excessive and seemingly unjustifiable demurrage charges. The demurrage charge is the ICC regulated fine which a shipper pays to the railroad for allowing boxcars to stand on railroad tracks for unusual lengths of time. It is a progressive charge in that it increases with time. Currently, according to the ICC, the first 2 days in which a car stands unused are free; the following 4 days require a $5 per day charge for each car, the next 4 days require a $25 per day charge; and each day after the first 10 days a railcar stands on the tracks, a shipper must pay $50 in demurrage charges per day for that car. The purpose of the demurrage charge is, of course, to keep a shipper from allowing boxcars to stand on the tracks unused for excessive lengths of time.

I think that most Senators understand that at $50 a day, very few shippers who have economy at all in mind would allow boxcars to sit unused. I view the demurrage charge as a type of progressive parking fine. If I allow my

car to sit unattended in certain places on the public highway, I will probably have to pay a fine and may be towed away with additional costs. To meet this same problem on the railways, the railroads charge progressive fines called demurrage. The result is that shippers have an economic incentive to move cars quickly and efficiently.

One would expect that most shippers do not incur large amounts of demurrage charges, for it is in their best interest to organize the fast and efficient movement of their products and their resources, and through proper supervision only small amounts of demurrage charges are ever incurred. I would also think that the U.S. Government when operating as a shipper would have a similar concern to move goods quickly and use boxcars as efficiently as possible.

For this reason, it is with some degree of dismay that I find demurrage charges or "rail parking fines" amounting to almost one-half million dollars a year being paid by certain military ordnance operations. For instance, in 1967, the Louisiana Army ammunition plant in Doyline, La., paid $360,000 in demurrage charges alone. The same plant paid $246,000 in 1968. The ammunition export point at Sunny Point, N.C., incurred similar excessive charges of $395,000 and $256,000 in 1967 and 1968, respectively. The naval ordnance plant, Thorne, Nev., in 1968, paid out of the Federal Treasury $312,000 for demurrage charges.

These three military shipping operations, I hope, are the extremes of this most obvious abuse of the efficient use of boxcars and to the proper use of tax dollars. If they are not the extreme and if these plants indicate the rule rather than the exception, the Department of Defense is paying out on the order of tens of millions of dollars and possibly $100 million each year for what I view as railway parking fines. These figures indicate a most flagrant misuse of taxpayers' money and national defense resources.

In order to determine if these three cases were the exception rather than the rule, I wrote to the Chairman of the ICC almost 3 weeks ago, and the ICC has reported to me that this abuse is rather widespread. A spot check shows that the naval ammunition depot in Crane, Ind., and the Iowa ordnance plants of West Burlington, Iowa, may be incurring demurrage charges near the rate of $200,000 annually. The ICC also reports to me that smaller but significant amounts of demurrage charges have been paid at least eight more defense shipping operations. These include Puget Sound Shipyard, Bremerton, Wash.; naval ammunition depot, McAlester, Okla.; the Naval Weapons Station, Yorktown, Va.; Naval Supply Center, Norfolk, Va.; Earle, N.J.; Bangor, Wash.; Post Chicago, Calif.; and Rocky Mount Arsenal, near Denver, Colo.

What is particularly depressing to me is that in many of these cases these excessive demurrage charges were incurred during the months when serious car shortages were plaguing the economy of our country. For instance, in Thorne, Nev., during September and October of 1968, when last year's worst car shortages existed, demurrage on the order of $75,000 was paid out. Railcars needed by numerous shippers across the Nation were being detained without apparent purpose at military shipping points.

At the Louisiana Army ammunition plant in Doyline, La., on July 25, 1968, the ICC railroad service agent reported that 246 boxcars on hand for ammunition loading were incurring demurrage charges. These cars had been on hand from 1 to 57 days. And the total car days lost on these 246 cars, at that time, was 4,237. This figure is equivalent to allowing one car to sit unused for 11½ years.

During the month of August 1968, one single month, also at Doyline, $112,000 was charged and paid by that plant for demurrage. Assuming the minimum charge, the possibility exists that 750 cars sat unused and unmoved every day during that month of August. This is approximately the equivalent of one car sitting unused for over 30 years.

A check of the demurrage charges over the first months of 1969 reveals that little or no improvement is being made at these ordnance plants. For instance, in Thorne, Nev., over $100,000 had already been incurred in the first 4 months in 1969. As of May 22, over $230,000 has been accrued at the Rocky Mount Arsenal near Denver, Colo.

Mr. President, I wish to compliment the ICC for assisting me in securing this information, and I hope that if the ICC discovers further abuses in the area of excessive demurrage charges by any governmental agency that they will bring it to the attention of the Congress, for we cannot allow such an abuse of the use of public moneys.

In response to a letter from me expressing my concern over this situation the Director of Transportation and Warehouse Policies in the Department of Defense has written to me stating that the Defense Department has requested a full report on this matter from the Departments of the Army and Navy. It has been 3 weeks since I requested such a report and as yet it has not been forthcoming. The Director also assures me that it is a Defense Department objective "to avoid unnecessary demurrage" and "to effect the earliest possible release of railcars from our installations." It is somewhat satisfying to know that the Department of Defense at least has this objective in mind. I hope that their report on this matter will explain what made such excessive charges necessary. I find it difficult to believe that tens of millions of dollars in demurrage charges can be necessary under any condition.

This problem of defense ordnance plants accruing excessive demurrage charges is particularly acute because of its two-prong effect. Not only is money in the Federal Treasury being wasted on so-called railway parking fines, but these railcars are being detained at the expense of shippers across the country. In my own State of Kansas, we are now in the midst of harvest and in dire need of adequate number of boxcars. There is a boxcar shortage and I now can see that the detention of cars by military plants is seriously magnifying this shortage. Again at the same time, the Federal Treasury is paying demurrage charges through the Defense budget to railroads and no one is the better off.

It occurs to me that many of these military ordnance plants may be operating on a "cost-plus" basis, and this fact may be causing a complete disregard for the efficient use of railcars. I know that for those "cost-plus" operations, the higher the expenses, the greater the profit. From this perspective, our defense policies may well be encouraging an inefficient use of cars.

It is not my intention in this matter to place the blame for these problems and mistakes upon any individual or organization or agency of government, but I do wish to bring to the attention of those responsible and those who can do something about it a situation which can be corrected and which must be corrected. I do not believe any responsible official can allow this situation to continue any longer.

Given fiscal priorities of today, the need to assure that every Federal dollar is well spent, given the new desire to examine every resource allocated to national defense, and given my own particular concern for resolving the boxcar shortage problem, we must move immediately to correct this obvious misuse of Federal money, and improper supervision over the movement of railcars.

Mr. MAGNUSON. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I am very pleased to yield to the Senator from Washington, who is chairman of the Commerce Committee.

Mr. MAGNUSON. I join the Senator from Kansas in his pursuit of this matter. I think he will find that it is possibly prevalent throughout the whole Defense Department, not only in ordnance. We might find a clue to what happens to make the boxcar shortage. Of course, not only is it this terrific waste of money as the Senator has pointed out, but every year we go through a boxcar shortage. It is starting now again, in Colorado and Kansas, and then it moves north to the Pacific Northwest. It is quite a revelation.

I knew that the Defense Department had some cars but I never realized, until the Senator from Kansas dug into this matter, the extent to which they are keeping them in these locations.

It is ironic that the Senator mentioned Bangor, Wash., which is an ammunition loading area, but 10 miles away is a lumber mill which has been fighting with the ICC every year because it cannot get any boxcars. Perhaps we can look and see where some of them are, and save some money, which makes the situation doubly wrong. I am going to pursue it. I hope that the Senator from Kansas and I, when we get to the defense appropriation for the Ordnance Departments, will be able to ask them how much they spent last year, and how much they want next year in the budget for this purpose; and maybe we will wind up getting a few more boxcars available in Colorado, Kansas, and some of these places in Washington.

Mr. PEARSON. I want to thank the chairman, the distinguished Senator from Washington. He has been pursuing this, I think, for the past 30 years in the Senate.

Mr. MAGNUSON. Longer than that.

Mr. PEARSON. We are told that this is a problem where there are not enough boxcars, where many are not in proper repair, and that it is a problem which cannot be resolved. I believe that it can be resolved. I see no excuse for the facts as I have recited them.

Mr. MAGNUSON. It is also quite refreshing to hear from the Senator that the ICC is doing something about this phase of it. We have been trying to get them to do something on the whole boxcar shortage problem for 20 years—oh, it has been 30 years, I am sure, since we have had the problem. Each year, everyone knows there will be a boxcar shortage, but the ICC does nothing about it. But I am glad that now the ICC is helping in this matter.

Mr. PEARSON. I say to the Senator that they have been very cooperative, after they got the inquiries.

Mr. MAGNUSON. I see the Senator from Oregon (Mr. PACKWOOD) in the chair. He knows what I mean about a boxcar shortage, especially for our lumber people. It goes on every year. There is no doubt about it. There is no question that next year will be any better. They know that this year it will be starting again, as the crop moves north. I imagine next week it will start again.

Mr. PEARSON. It started last week.

Mr. MAGNUSON. Yes, it started last week.

Mr. DOMINICK. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I yield.

Mr. DOMINICK. I want to congratulate the Senator from Kansas for bringing this matter to the attention of the Senate. Having served on the Commerce Committee with the Senator from Kansas, and having been up and down the hill on this boxcar problem, I think the Senator from Kansas is making a great contribution not only in making more effective use of the taxpayers' dollars, but also in getting boxcars where we need them, at the right time, and for other purposes.

Let me make one comment. The Senator brought up the Rocky Mountain Arsenal, which is right outside of Denver, in 1969. It was at that time that we were trying to do something about moving the gases and other destructive devices which were in that ordnance depot. The Senator will remember that we were all ready to ship them, and then all of a sudden everyone in the eastern part of the country sort of panicked, questions were raised about air pollution, and so forth, and of course I am interested in that question, as to what would happen when the gases were dumped in the ocean. So, suddenly, they had to unload them. We were going to get rid of these things but we found that we were not going to be permitted to do so, so they had to be unloaded. I suspect that had something to do with that. It probably is the only answer.

Mr. PEARSON. I think that the Senator is absolutely correct. The same thought came to me as I saw that particular military installation. From the press accounts, I am sure the Senator, as he stated, will recall that a great deal of the gases, manufactured for World War I, I think, was loaded aboard the railroad cars and was all set to be moved when the order came not to make the move. I think they then instituted a panel of outstanding scientists to make a determination. So, there was some justification for that particular installation. I am pleased, in all fairness, to say that the Senator from Colorado is right on that point.

Mr. DOMINICK. I hope that the Senator from Kansas will bring out quite clearly, as he continues his investigation, all the reasons for the cost-plus fees and the cost-plus contracts, because it seems to me that it is absolutely unconscionable that either the Department of Defense or the ICC should not have been following up on these matters long ago. I do not like those kinds of contracts, anyway, especially at a time when all of us in our areas are suffering such acute shortages. This has gone on for some time, so it is not a regional matter any more. Even if the shortage is in boxcars, it seems to me they could have done something to follow up the situation to see if they could not get a free flow of boxcars to help ease the shortage.

Mr. PEARSON. I concur with the Senator. I am very grateful for his comments.

Mr. COOK. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I yield.

Mr. COOK. What bothers me the most in this situation is that he requested of the Department of Defense and of the proper officials some 3 weeks ago, that they find out what the status of it was, and the Senator has not been able to find out yet.

This, to me, is most impressive because there are military officers in every one of the plants and they know exactly how many cars come in. They should know exactly how many cars are out. They also should know exactly what the daily requirements for the boxcars are.

Apparently they are just sitting there. This is a rail line. This is a rail line siding, and they are doing nothing about it. It would seem to me that whomever the Senator requested the information from could easily have sent a wire requesting information on the daily use of cars and the number of cars presently on hand. It does not seem to me that it would take 3 weeks to get that kind of information.

This is another one of the situations which the Senator finds day in and day out, as the Senator from Washington (Mr. MAGNUSON) stated, when he said that he has been working on this for years and still has not solved the problem that we have in the Defense Department. By the way, the Senator from Kansas indicated that the low demurrage rates in one location would consist of 700 trains, or seven trains with 100 carloads each, if they could be moved across the country in a 24-hour period. They are just sitting on sidings, and the taxpayers of this country are paying demurrage charges. Not only do I think it is a matter that should be looked into; I think it is a national disgrace. I hope the Senator will continue to pursue this matter, because, obviously anybody who has this number of cars on a siding at any one time must have cars for which the taxpayers are paying at the rate of $50 a day.

Mr. PEARSON. In my statement I actually misquoted the demurrage rates. Actually, the $50 per day charge did not go into effect until May 1 of last year. So if the figures I have cited here are incorrect, it merely means there were a greater number of cars at the ordnance plant than I have indicated here. But I have waited 3 weeks for a response from the Defense Department.

The ICC also wrote the Department of Defense. It compiled the figures I have cited here today, within those same 3 weeks. It is simply a case of the Department of Defense not seeing the urgency of responding to the question raised, or perhaps the Department found it not expedient to do so.

I thank the Senator from Kentucky.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 25, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 24, 1969:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1974 (reappointment).

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, of Pennsylvania, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

DISTRICT OF COLUMBIA COUNCIL OF GENERAL SESSIONS

George H. Goodrich, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions for the term of 10 years to fill a new position created by Public Law 90–579, effective October 17, 1968.

William S. Thompson, of the District of Columbia, to be an associate judge of the District of Columbia Court of General Sessions for the term of 10 years vice Andrew J. Howard, Jr., deceased.

U.S. ATTORNEY

Bethel B. Larey, of Arkansas, to be U.S. Attorney for the Western District of Arkansas for the term of 4 years vice Charles M. Conway, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate June 24, 1969:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the remainder of the term expiring August 9, 1970.