SENATE—*Monday, June 30, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

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

O Thou sovereign Lord of men and nations, make us a people great enough and good enough to be trusted with our own destiny. Teach us both to work and to pray; to work as though everything depends upon us and to pray as though our only trust is in Thee. Forbid that we should ever substitute prayer for hard thought and diligent work, or for asking Thee to do for us what we ought to do for ourselves. In the ongoing processes of history help us to find Thee not only in the mighty moments but in the discharge of daily duties. Help us, O Lord, to see beyond our tangled ways and confused days the divine pattern toward which all events move, and in the end to be found faithful to our high calling in Thee. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 26, 1969, the Secretary of the Senate, on June 27, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on June 27, 1969, see the end of proceedings of today, June 30, 1969.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 26, 1969, the Secretary of the Senate, on today, June 30, 1969, received a message from the House of Representatives, which announced that the House had passed, without amendment, the joint resolution (S.J. Res. 122) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

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.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4297) to amend the act of November 8, 1966.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots.

The message also announced that the House had passed a bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following bills and joint resolution, and they were signed by the Vice President:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax; and

S.J. Res. 122. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

HOUSE BILL REFERRED

The bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for taxation of interstate commerce, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 26, 1969, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar of unobjected-to bills under rule VIII be waived.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

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

The 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the Executive Calendar.

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

CHAIRMAN, JOINT CHIEFS OF STAFF

The VICE PRESIDENT. The clerk will state the nomination on the Executive Calendar.

The bill clerk read the nomination of Gen. Earle Gilmore Wheeler, Army of the United States, to be Chairman of the Joint Chiefs of Staff for an additional term of 1 year.

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

GREAT PLAINS CONSERVATION PROGRAM

Mr. MANSFIELD. Mr. President, I move that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 10595 and that the Senate proceed to its immediate consideration.

The VICE PRESIDENT. Without objection, the committee is discharged from the further consideration of the bill. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

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

There being no objection, Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask

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unanimous consent that all after the enacting clause of H.R. 10595 be stricken and that there be substituted therefor the full text of S. 1790, as amended by the committee amendment.

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

The amendment was agreed to.

The bill was ordered to a third reading, was read the third time, and passed.

The VICE PRESIDENT. Without objection, the title will be appropriately amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 1790 passed the Senate on Thursday, June 26, 1969.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1790 be indefinitely postponed.

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

STATEMENT BY SENATOR MANSFIELD AT ANNUAL DEMOCRATIC CONGRESSIONAL DINNER

Mr. KENNEDY. Mr. President, I had the distinct privilege at the annual Democratic congressional dinner at the Washington Hilton Hotel on June 26, 1969, to introduce the distinguished majority leader. Senator MANSFIELD, as always, delivered a most cogent and timely address. His message that evening reflected the perspective that has become his trademark. I ask unanimous consent that the statement of Senator MANSFIELD as well as my introduction of the distinguished majority leader be printed at this point in the RECORD.

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

Senator KENNEDY. Tonight I have the honor to introduce a man of greatness. Spare and lean, a man of the west, with all of the strength and conviction that comes from the tall timber and open space.

To you and me, he is the majority leader of the United States. To foreign powers, he is a voice to listen to, to Presidents he is a wise counselor, to members of the Senate he is the boss.

Back in Montana, in Butte, in Missoula, in Eureka and Sydney, he is Mike.

There have been others from the West who came East to lead us. With the firmness of William Borah, the integrity of George Norris, the skills of Carl Hayden—these are the talents that built a nation. But among all the West has produced, no man is more honored or respected, or loved as Mike Mansfield.

He has been a member of every branch of the military service. He has been a mucker in the coppermines of Montana.

As a lad, he was a roustabout—but made up for it by receiving a high school diploma and a college degree in the same year. He went on to become a noted professor.

And, in 1943, with his wife Maureen, and young daughter Ann, he drove from Montana to Washington as a man newly elected to Congress; arriving in an old campaign car still wearing his Marine boots.

He has never left us since. But he has never left Montana either

In September of 1963, President Kennedy made his last visit to Montana. He stopped in Great Falls to pay his respects to the late Patrick Mansfield, the father of the majority leader. And when the President came back, he told me of the thousands of people who crowded the roads from the airport to town. And the amazing thing was that Mike Mansfield could greet each and everyone of them by their first names. "That," President Kennedy said, "is the mark of a leader."

As a soldier, he learned devotion. As a teacher, he gained the gifts of calm and patient leadership. And as a laborer in the pits, he developed his sensitivity for the weak, the innocent and those who toil with their hands.

There is a phrase that only those who have been in the mines of Montana know. They use it when the sticks of dynamite have been put in place, in the drift, and the time has come to cap them for the explosion.

Whenever Mike Mansfield bids farewell to a Montana friend, he uses this phrase, and says "tap'er light".

This is Mike Mansfield's style. This has been the tone he has brought to the United States Senate. Others may speak more loudly, and others may speak in greater length, but when the leader stands in the well of the Senate, other voices fade before the authority of his presence.

In his own quiet way, he has moved this country toward what it should be—toward the American dream. In his own quiet way, he has made each of us proud to be Democrats in the United States Senate.

And I am proud to stand here tonight before friends of a great party and give to you the majority leader of the United States Senate—my leader—Mike Mansfield of Montana.

STATEMENT OF SENATOR MANSFIELD

Senator MANSFIELD. A decade is drawing to a close. It began in a Republican Administration. It ends in a Republican Administration. In between, the Democratic Party has aimed at raising the nation's standard of living and at putting into practice, the Constitution's promise of equal treatment for all citizens.

In this decade, there has emerged from a Democratic Congress an expanded housing program and legislation to provide for the better education of the nation's young people.

A Democratic Congress has opened the door to adequate medical and hospital care for the long-neglected and made a commitment to end a persistent poverty amid affluence in this nation.

A Democratic Congress brought to fruition the 100-year effort to strike down legal and other barriers to equal treatment of all Americans.

These and other legislative achievements carry the hallmark of President Kennedy and President Johnson. They are written into the journals of the Democratic 87th, 88th, 89th, and 90th Congresses.

Yet, these beacons of process—let us face it frankly—were overshadowed last November. A decade of social advance was buried in the avalanche of public bitterness, revulsion and frustration which is Viet Nam. Years of national achievement sank out of sight in the tide of violence, unrest and anxiety which engulfed the nation.

The grim war continues in Viet Nam. Fear still stalks the streets of the nation's towns and cities. The uncertainties over the future are undiminished.

To be sure, the primary responsibility in this situation no longer adheres to the Democratic Party. To be sure, national leadership has passed to the Republican Party. But there can be no comfort for us in this changeover. If Democrats mean to retain a significance for this nation, there is no refuge in the shift of responsibility along with the Presidency to the Republican Party. On the contrary, we will acknowledge our own responsibility for the past and we will accept our share of responsibility for the present.

We will face frankly the twin tragedies of these times—the tragic conflict abroad and the tragic clashes at home and we will look for the means of their resolution. As the party of opposition, we will question the priorities and policies, the attitudes and the approaches of the Republican Administration in dealing with these and other national issues. We will do so responsibly, offering with our criticisms, constructive alternatives.

In the Congress—in the Senate—we will join with the President in an effort to end the war in Viet Nam. As far as conscience permits, we will uphold the President's hand in that situation; he is the President of all Americans—Democrats no less than Republicans. But we cannot and we will not acquiesce in the indefinite absence of peace.

We will sustain the President in a foreign policy of discerning internationalism; that is what the realities of the world demand, as the 20th century moves into a final quarterm. But we cannot and we will not endorse a costly and indiscriminate involvement abroad merely because it is put forth under the label of internationalism.

We will vote necessary expenditures for the military defense of the nation. But we will not sign blank checks for billions at the sound of the bugle of fear. Rather, we will seek a balance, to the end that the nation may meet the urgent needs for stability within, no less than the demands for security from without.

As a political party, we will face the fact that the great and automatic national majority which was enjoyed for many decades is no more. It is not only that we have made our share of mistakes and suffered the consequences. It is also because issues have changed and attitudes have changed. The great constituency upon which the Democratic Party rested for four decades is now less clearly defined for us. In my judgment, it is there nonetheless. It is waiting to respond to new perceptions and to a rededicated political leadership which addresses itself not only to those who are satisfied with things as they are but which reaches out to those who are not.

It is no longer enough to extoll our contribution to the building of the nation as it is. The Democratic Party must look to what it can contribute in the building of the greater nation which we can become. In short, it is for us to rekindle the people's faith in the Democratic Party by searching out and pursuing the direction to a new unity at home and, in the world, to the building of a more durable peace. That is the quest on which we set forth tonight.

A LETTER TO A DAD ON FATHER'S DAY

Mr. DIRKSEN. Mr. President, there is a staff member of the Senate whose son has done extremely well. At any early age, he has been assuming a real responsibility. He wrote to his father on Father's Day, and I thought his letter was rather interesting. He wrote:

FATHER'S DAY 1969.

DEAR DAD: (On Your Day) I remember way back when we were just little rascals running all over the house and yard getting into everything and how you use to punish us to teach us right from wrong. I remember the fun we had with the horses, the chickens, the pig, the duck you caught while fishing, and the rabbits which we had. I remember the times when you provided plenty of work to keep us busy like raking leaves, painting, mowing the lawn, helping you with the garden, splitting wood, putting up the fence, and the many other little things that had to

be done which helped us grow up. I remember watching you repair the many things, water pumps, water pipes, washers, dryers, the furnace, lawnmowers and many others from which I learned most of what I know today. I remember that someone who used to get up many mornings to help me with my paper route, when I was late or it was raining or just because he wanted to. I remember when you use to rush home just to watch us swim in races and how you helped me with my chickens and the 4-H projects. Oh yes I remember the unpleasant times when you seemed to forget your role as a father for what ever reasons they came about. But what I remember most far outweighs those times.

I will always remember the trips we took on the weekend to go fishing, at Point Lookout, the weekend trips to Nags Head, The trips to Orange County and into the Shenandoah Valley for swimming. The drive in movies and the Saturday trips to the office with you provided many hours of fun. Then there were the trips to what was then the far away places like New York and Coney Island, Florida with its Key West, Clearwater, and the Marathon Key. Then there was Mexico where we took the sail boat ride around the island, went iguana hunting, and where I first tried to water ski. If you stop to think about it, we sure went to a lot of places. I still can remember Bermuda. The trip over on the sea plane when you played cards, the large turtles on the beach, the cave fish in the dark cave which I didn't see the fish because it was so dark, and the trip over in the boat to the aquarium, and finally the finger bowl incident at the hotel. More recently, I remember the efforts made to allow me to be a Page in the House and to work at the Post Office and the Highway Dept. Then there was the time you helped me buy my first car, and the car at high school graduation.

I remember the many times which I may have disappointed you with my actions and also the times when I should have thanked you and didn't. So at a time when I cannot think of any material gift for you on your day, I give you this letter and say thanks, Dad, for all the things that you have done to make my life what it is today.

Your son,

BOB.

That is a very fitting tribute to his father from a son who made good.

JURISDICTION OF U.S. COURTS—NONAPPROPRIATED FUND ACTIVITIES

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the immediate consideration of Calendar No. 259, S. 980.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 980) to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 2, line 22 after "(a)" strike out "The" and insert "In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the"; in line 25, after the word "actions" strike out "initiated" and insert "dismissed before"; and in the same line, after the word "on" strike out "or after"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346(a)(2) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(b) The first full paragraph of section 1491 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(c) Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694; 31 U.S.C. 724(a)), is amended by adding immediately before the period at the end thereof the following new proviso: *"Provided further,* That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of title 28, United States Code, and such activity shall reimburse the United States for a judgment or compromise settlement paid by the United States to the extent the Comptroller General of the United States determines that a reimbursement may be made without unduly jeopardizing the operation of such activity.".

SEC. 2. (a) In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the provisions of this Act shall also apply to claims and civil actions dismissed before or pending on the date of enactment of this Act if the claim or civil action is based upon a transaction, omission, or breach that occurred not more than six years prior to the date of enactment of this Act.

(b) The provisions of subsection (a) of this section shall apply notwithstanding a determination or judgment made prior to the date of enactment of this Act that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States.

SEC. 3. The provisions of this Act do not apply to a contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States which is subject to suit in its own name under any other provision of law.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 268), explaining the purposes of the bill.

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

PURPOSE OF AMENDMENTS

Amendment No. 1 makes clear that the provisions of the act are intended to have both a prospective application as outlined in the first section and section 3 of this act, and a retroactive application of limited duration as expressed in section 2.

Amendment No. 2 deletes the words "initiated" and "or after" as being superfluous in that, unless otherwise expressed, the provisions of a bill, upon enactment, have an immediate prospective effect. The words "dismissed before" are inserted to assure that the provisions of section 2 are applicable to cover past claims and civil actions whose operative facts occurred not more than 6 years prior to the date of enactment of this act.

NEED FOR LEGISLATION

S. 980 will fill a gap in the Tucker Act's waiver of immunity of the United States to claims based upon contracts with departments or agencies of the Government. The United States is liable in the Court of Claims of the United States and, in appropriate cases, in the district courts of the United States, to suits "upon any express or implied contract with the United States * * *." 28 U.S.C. 1491; 28 U.S.C. 1346(a)(2). The courts have repeatedly held, however, that the Federal Government's liability to suit under these sections only exists with respect to contract obligations to be paid out of appropriated funds. See, e.g., *Kyer* v. *United States,* 369 F. 2d 714 (Ct. Claims 1966); *Pulaski Cab Co.* v. *United States,* 157 F. Supp. 955 (Ct. Claims 1968); *Keetz* v. *United States,* 168 Ct. Claims 205 (1964); *Bordon* v. *United States,* 116 F. Supp. 873 (Ct. Claims 1953).

The injustice and inequity worked by this Tucker Act "loophole" have been recognized often. See, e.g., *Borden* v. *United States,* 116 F. Supp. 873, 878–880 (Ct. Claims 1953). Indeed, a judge of the Court of Claims has declared "this is a matter which sorely needs congressional correction." See *Kyer* v. *United States,* 369 F. 2d 714, 719 (Ct. Claims 1966).

Nonappropriated fund activities are at present an anomaly of the law. When States have attempted to tax or regulate their activities these activities have successfully argued that they are immune from taxation and regulation as instrumentalities of the United States. See e.g., *Park Davis* v. *G.E.M., Inc.,* 201 F. Supp. 207 (D. Md. 1962); *Falls City Brewing Co.* v. *Reeves,* 40 F. Supp. 35 (W.D. Ky. 1941). When nonappropriated fund activities have been sued outside the United States they have successfully argued that, as instrumentalities of the U.S. Government, they are not liable to suit on contract in foreign courts. See, e.g., *Wuliger* v. *Headquarters, 7480th Supply Group (Special Activities) Labor Court,* Weisbaden, October 8, 1958, unreported. Courts have held, see, e.g., *United States* v. *Holcombe,* 277 F. 2d 143 (4th Cir. 1960); *Daniels* v. *Chanute Air Force Base Exchange,* 127 F. Supp. 920 (E.D. Ill. 1955), and the Justice Department has supported the ruling (letter dated July 13, 1960, from George Cochran Doub, Assistant Attorney General, 243 AF JAG Reporter, 15 (Aug. 1, 1960), that employees of nonappropriated fund activities, when performing their official duties, are employees of the United States and that the United States is liable under the Federal Tort Claims Act for injuries caused by their negligence. The United States has even sued in its own name to enforce contracts entered into by nonappropriated fund activities. See, e.g., *United States* v. *Howell,* 318 F. 2d 162 (9th Cir. 1963).

Despite this consistent identification of the nonappropriated fund activity with its parent department or agency and the United States, contractors with such activities have found it impossible to get a "day in court" when they allege breach of contract by such activities. Your committee believes that there is no rational reason to continue the immunity from contract suit presently afforded nonappropriated fund activities. The Defense Department, parent of the greatest number of these activities (military post exchanges, ships stores, etc.) has agreed that "no policy grounds [justify] nonappropriated

fund instrumentalities in continuing to claim absolute immunity from suits on their contracts when Congress has waived such immunity in suits on contracts with the Federal Government itself." (See letter dated May 20, 1968, from Thomas H. Nielson, Assistant Secretary of the Air Force, to Hon. James C. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report.) This position is buttressed by the fact that nonappropriated fund activities have become an important part of our national economy. The Armed Forces post exchange system—a prime example of a nonappropriated fund activity—is now the third largest department store chain with annual sales of over $3.5 billion exceeded only by Sears, Roebuck & Co. and J. C. Penney Co.

LEGISLATIVE HISTORY

On March 14, 1968, Hon. Joseph D. Tydings, a Senator from Maryland, introduced S. 3163, a bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States. The bill was referred to the Committee on the Judiciary and to its Subcommittee on Improvements in Judicial Machinery. That subcommittee held hearings on S. 3163 on May 8 and 21, 1968. Witnesses before the subcommittee included: Hon. Hervey G. Machen, U.S. House of Representatives; Aaron Goldman, president, the Macke Corp., Cheverly, Md.; William E. Magee, Esq., Washington, D.C.; Dean Ralph C. Nash, professor of law, the George Washington University School of Law; Hon. Wilson Cowen, chief judge, U.S. Courts of Claims; and Col. Donald A. Williams, Office of the Judge Advocate General, Directorate of Civil Law, Litigation Division, Headquarters, U.S. Air Force. All witnesses heard favored enactment of S. 3163. The Department of the Air Force for the Department of Defense submitted a favorable report (May 20, 1968) on the bill, suggesting a number of technical and one substantive amendment. The Department of Justice submitted a report favoring S. 3163 in principle, but suggesting two amendments. (See letter dated Aug. 14, 1968, from Deputy Attorney General Warren Christopher to Hon. James O. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report.) The National Aeronautics and Space Administration and the Department of Agriculture submitted reports favoring the bill in principle. (See letter dated May 21, 1968, from Robert F. Allnutt, Assistant Administrator for Legislative Affairs, and letter dated Oct. 3, 1968, from Secretary of Agriculture Orville Freeman to Hon. James O. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report). The House of Delegates of the American Bar Association approved S. 3163 in principle at the association's annual meeting in Philadelphia, August 28, 1968. (See letter dated Feb. 28, 1969, from John P. Tracey, assistant director, to Hon. Joseph D. Tydings, chairman, Subcommittee on Improvements in Judicial Machinery, U.S. Senate, reprinted at the conclusion of this report.)

On February 7, 1969, Senator Tydings introduced S. 980 which included several substantive changes from S. 3163 of the 90th Congress. These changes embodied in S. 980 were made on the basis of testimony received at last year's hearings. The first modification deleted the words "a department, agency, or armed force" contained in subsections (a), (b), and (c) of the first section of S. 3163 of the 90th Congress, and the words "the United States or a department or agency" were inserted in lieu thereof in subsections (a), (b), and (c) of the first section of S. 980. This change conformed the language of S. 980 to the breadth of the problem to be resolved and deleted the superfluous term "armed force" in S. 3163. Nonappropriated fund activities take on many organizational forms, some of which might not be included in the term "of or under a department, agency or armed force of the United States" as used in S. 3163 of the 90th Congress. However, the term "of or under the United States or a department or agency" in S. 980 brings within the scope of the bill all nonappropriated fund activities of the United States not specifically excepted. The Armed Forces of the United States, are, of course, departments or subdepartments of the United States and thus are included in the term "department or agency" as used in S. 980.

The second difference, reflected in section 2 of S. 980, clarified the limitation upon the retroactive effect of this legislation, making it the same as the general statute of limitations upon contract claims against the United States as stated in 28 U.S.C. § 2501(a), and prohibited the assertion of the defense of *res judicata* or other similar pleas to jurisdiction. The subcommittee hearings clearly demonstrated that there exists at least a small number of contractors with nonappropriated fund activities for whom there was no forum to hear their claims of contract breach. Some of these contractors bore the cost of litigation only to find access to the court barred by the judiciary's interpretation of the Tucker Act. Justice and equity dictate that the courts should be made available to those individuals whose claims first brought the immunity anomaly to light, and that, as to these actions, the Government should be precluded from raising the defense of their previous determination. Those determinations, it should be noted, were based solely on jurisdictional and not substantive grounds.

Another change in S. 980 was the addition of a new section 3 to the measure. Its language was intended to limit the application of the bill to contracts of nonappropriated fund activities which have not already shed their immunity to suit under other provisions of law. Examples, for instance, of nonappropriated fund activities already subject to suit in their names include the American Red Cross (36 U.S.C. § 2) and the Tennessee Valley Authority (16 U.S.C. § 831(c)).

The subcommittee held a hearing on March 4, 1969, in order to hear testimony on these changes in S. 980. The two witnesses heard were: Hon. Louis Spector, Commissioner of the U.S. Court of Claims; and Mr. Loren K. Olson, an attorney in Washington, D.C. Commissioner Spector, who was chairman of the section of public contract law of the American Bar Association when it considered an endorsed S. 3163 at the association's convention last August, testified that the ABA's endorsement of S. 3163 would equally apply to S. 980. Similarly, Mr. Olson concurred with the several modifications reflected in S. 980.

STATEMENT

Your committee believes that S. 980, as amended, is consistent with the public policy of the United States clearly expressed in the Tucker Act, that the sovereign immunity of the United States to contract suit should be waived when complaints are filed in an appropriate forum. S. 980 will provide contractors with nonappropriated fund activities of or under the United States or departments or agencies of the United States with the same contract remedies available to those who contract directly with those departments or agencies in furtherance of activities supported by appropriated funds. In so doing, S. 980 will erase an anachronistic and baseless distinction between suits on contracts of the United States to be paid out of appropriated funds and those to be paid out of nonappropriated funds. Your committee believes that equity, sound public policy, and efficient operation of nonappropriated fund activities demand favorable action upon S. 980.

AMERICAN POLICY TOWARD CHINA AND THE ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH MONGOLIA

Mr. KENNEDY. Mr. President, recently the press carried a number of reports that are disturbing to many of us who favor a more enlightened policy by the United States toward Asia. According to these reports, the Secretary of State informed the President that it would be in the national interest for the United States to recognize the Mongolian People's Republic and establish diplomatic relations with that nation. These same reports also state, however, that the President has failed to act on this recommendation because of objections raised by the Chinese Nationalist Government on Taiwan, and especially by President Chiang Kai-shek.

If these reports are accurate, they demonstrate very clearly the heavy price that the United States continues to pay for our failure to establish a realistic China policy. Last March, in an address before the National Committee on United States-China Relations in New York City, I urged the administration to take a number of steps toward a more enlightened policy on mainland China, including new efforts to establish diplomatic relations with the Peking regime.

It is tragic enough that our mistaken China policy requires us to maintain the palpable fiction that the Nationalist Government on Taiwan is the Government of all China, and prevents us from establishing diplomatic relations with the actual Government on the mainland. It is even more tragic, however, that we compound the damage to our national interest by allowing the Nationalist regime to prevent us from establishing diplomatic relations with other nations in Asia like Mongolia, a land that is larger than France and Germany combined.

As a nation, the United States has no difficulties with Mongolia. For many years we have carried out modest contacts with Mongolia through trade and travel. Mongolia has been a member of the United Nations since 1961, and participates actively in a number of international organizations affiliated with the U.N., such as UNESCO and the World Health Organization. It now has diplomatic relations with 39 nations, two-thirds of whom are non-Communist, including Great Britain, France, Canada, and Australia.

In recent years, the Government of Mongolia has consistently indicated that it would welcome diplomatic contacts with the United States, including the establishment of diplomatic relations and the exchange of ambassadors. Indeed, as recently as last month, the Premier of Mongolia, Yumzhagiin Tsedenbal, stated in an interview with a distinguished American journalist that Mongolia was dedicated to the principle of diplomatic, cultural, and economic contacts with Western nations, especially the United States. The Premier indicated that Mongolia has been prepared to establish diplomatic relations with the United States ever since 1961, when the first contacts on the question were made, but

that no further progress could be made without action by the United States.

The irony of our present policy of nonrecognition is especially clear in light of the fact that during the interview, the Premier of Mongolia spoke warmly of his trip to the United States in 1967, his visit to Niagara Falls, and his meeting with President Johnson at the time of the President's conference in Glassboro, N.J., with Premier Kosygin of the Soviet Union.

I believe that the establishment of diplomatic relations with Mongolia at the present time might well be of major value to the United States, especially in light of Mongolia's intimate involvement in one of the most momentous political phenomena of the decade, the Sino-Soviet dispute. For far too long, the United States failed to note the development of this dispute and the enormous dimensions it was assuming.

We can no longer afford to forego the opportunity to establish a diplomatic mission in Mongolia. Such a mission would enable us to become better informed about relations between China and the Soviet Union, and might well be a significant first step toward recognition of Peking. Equally important, the existence of diplomatic relations with the United States might enable Mongolia to adopt a more independent posture toward the Soviet Union, with whom Mongolia has long coexisted under circumstances of heavy political and economic dependence.

I therefore urge the administration to accept the recommendation of the State Department, and to initiate contacts with the Government of Mongolia in order to establish diplomatic relations at the earliest available opportunity.

Mr. President, because of the importance of these questions, I ask unanimous consent that a news report and editorial discussing the matter be printed in the RECORD, as well as the press interview with Premier Tsedenbal that I mentioned.

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

[From the New York Times, June 13, 1969]

NIXON SAID TO BAR UNITED STATES-MONGOLIA TIE—ROGERS REPORTED IN FAVOR, BUT TAIWAN OPPOSED

(By Peter Grose)

WASHINGTON, June 12.—Diplomatic sources said today that President Nixon was resisting a proposal by Secretary of State William P. Rogers to open diplomatic relations with Mongolia, a key listening post between the Soviet Union and Communist China.

Opposition from the Chinese Nationalist Government on Taiwan was said to be the crucial factor in the President's inaction on the proposal, which went to the White House last month from the State Department.

Once before, in 1961, the United States was on the verge of recognizing Mongolia, but backed off in face of Chinese Nationalist objections.

The Mongolian People's Republic, historically Outer Mongolia, is an ally of the Soviet Union in the struggle with Communist China, but the Chinese Nationalists under Generalissimo Chiang Kai-shek claim the territory still as part of China.

TIE WITH PEKING FEARED

Taiwan's objections were understood to repeat that claim, and also cast the proposal in the context of United States policy toward Communist China. Recognition of Mongolia, in the Chinese Nationalist view, would be regarded as the first step toward recognition of Peking.

Advocates of recognition of Mongolia do not deny that they regard the move as part of the broader question of improving relations with Communist China. The specific proposal that was sent to the President from the State Department, however, did not link the Mongolian question with a review of policy on China ordered by Mr. Nixon's national security aide, Dr. Henry A. Kissinger.

The State Department contends that there is no longer a valid reason for withholding recognition from Mongolia, a member of the United Nations and a country with which the United States has no legal or historical grievances.

It is felt that as a practical matter the presence of a United States mission in Ulan Bator would provide valuable contacts and information about the sensitive Soviet-Chinese border area.

Unlike the Chinese Communists, the Mongolians have welcomed whatever tentative gestures the United States has made in recent years. Premier Yumzhagiin Tsedenbal has often said that he would welcome diplomatic relations with the United States.

[From the New York Times, June 14, 1969]

MR. NIXON ON MONGOLIA

Secretary of State Rogers' proposal to the President that this country recognize Mongolia reveals his understanding of the fact that the United States has much to gain from official ties with Ulan Bator. Wedged in between the Soviet Union and China, Mongolia is now one of the more strategic countries in the world, a useful listening post for diplomats anxious to get daily readings on the storms now raging between Moscow and Peking. This country has no disputes with Mongolia, and early in the decade accepted Mongolia's independence as real by helping win that nation's admission to the United Nations.

The failure of President Nixon to act on Mr. Rogers' recommendation is apparently based on objections from Chiang Kai-shek. Ironically, Chiang's thus-far successful veto of a Washington-Ulan Bator relationship comes at a time when the Taiwan regime is having increasingly open contacts with Moscow, whose antipathy to Mao Tse-tung matches that of the Generalissimo.

By a rational calculation, it is to this country's interest to be represented in Ulan Bator and to enjoy the political and informational benefits such representation would bring. Mr. Nixon's failure to act raises the ominous possibility that in the future he may let similar objections from Taiwan block efforts to improve Washington-Peking relations when new possibilities arise for thawing that presently frozen area of American foreign policy.

[From the New York Times, May 21, 1969]

MONGOLIAN, IN INTERVIEW, VOICES FEAR FOR ASIAN PEACE

(By Harrison E. Salisbury)

ULAN BATOR, MONGOLIA, May 19—Premier Yumzhagiin Tsedenbal has expressed deep concern over the maintenance of peace in Asia, particularly in view of the continuance of the war in Vietnam, tensions over Korea and the Soviet-Chinese conflict.

Mr. Tsedendal, who has headed Mongolia for 17 years, made his remarks in one of his rare personal interviews. He gave prepared answers to a series of questions and then, in a lengthy conversation, outlined in some detail his views on the Soviet-Chinese dispute. The Premier granted the interview on the eve of a state visit by President Nikolai V. Podgorny of the Soviet Union, whose swing to North Korea and Mongolia was believed to be connected with tensions in Korea and along China's frontiers.

The Mongolian leader took the view that Soviet-Chinese border clashes on the Ussuri River in March were the total responsibility of the Chinese.

CLASHES HELD DELIBERATE

He emphatically rejected the theory that the fighting could have occurred because of trigger-happy Chinese frontier guards. It was, in his opinion, organized and ordered from above—at a high level in the Chinese Government—and was a deliberate act of aggression. To his mind it simply fitted a pattern of steadily heightening chauvinistic acts flowing from Mao Tse-tung, the Chinese leader himself.

Mr. Tsedenbal said that China had attempted by every means to split Mongolia from the Soviet Union. But the Soviet-Mongolian association, he said, has endured 50 years and Mr. Mao's efforts will not be successful.

The Premier said Mongolia with the aid of the Soviet Union had demonstrated her ability to defend her frontiers. Before World War II, he recalled, Japanese forces were stationed in Manchuria only a few hundred miles from Ulan Bator. Later hostile forces of the Chinese Nationalists were strung out along the Mongolian frontier. But, with Soviet aid, Mongolia managed to beat off all challenges and is prepared to do so again, he said.

The Mongolian Premier characterized Mr. Mao as a "great-power chauvinist" and said he felt the Chinese leader had lost all connection with Marxist-Leninist principles and traditions.

"Clashes such as those on the Ussuri are impossible between genuine Marxist-Leninists," Mr. Tsedenbal said, "There is nothing in common between Mao's policies and those of a genuine socialist state."

The Mongolian has had many dealings with Mr. Mao and said he saw no hope of change in China's policies so long as the present Chinese leader remained in power.

Mr. Tsedenbal spoke with sarcasm of a Maoist charge that Mongolia was both a "Soviet puppet" and an "American pawn."

"This shows how far things have gone," he said.

The Premier did not discuss China in his prepared responses, except for a peripheral reference to mongol minorities in China. He expressed the hope that they would be accorded the same rights that Mongols in Mongolia and in the Soviet Union received.

The Premier's concern over Vietnam was expressed both in his formal repsonse to questions and in conversation. He said he supported the peace program offered by the Vietcong in the Paris talks and considered it a basis for serious negotiation.

Mr. Tsedenbal said he was also concerned about Korean tensions and he accused the United States of "provocative" actions in its intelligence-gathering flights off the North Korean coast.

Although the Premier spoke critically of United States foreign policy in Vietnam and Korea, he emphasized Mongolia's dedication to the principle of diplomatic, cultural and economic relations with Western countries and specifically the United States.

Any progress on the question of diplomatic relations, he said, is up to the United States. Mongolia has been prepared since the first contacts on the subject in 1961 to go forward to normal diplomatic relations, he said.

The Mongolian recalled with warmth his visit to the United States in 1967 at the time of the conference of Premier Aleksei N. Kosygin of the Soviet Union and President Lyndon B. Johnson at Glassboro, N.J.

Premier Tsedenbal said he had a pleasant chat with Mr. Johnson at that time and he remembered with enthusiasm his visit to Niagara Falls.

Domestically, the most critical Mongolian problems are in agriculture, he said, particularly in measures to protect livestock against heavy losses in winter.

Mongolia lost two million head of livestock last winter and another two million the previous winter. These losses are from a herd of 22 to 23 million head.

Soil erosion from new plowed grain areas is also a problem, but Mr. Tsedenbal said he was confident of resolving it.

INTERVIEW EXCERPTS

Following are excerpts from the interview with Premier Tsedenbal:

"Q. What are the prospects for the development of relations between the United States and the Mongolian People's Republic?

"A. As you know, in 1961 on the initiative of the American side, the question of establishing diplomatic relations between our two governments was discussed. At that time we expressed our positive approach to this question, but the United States halted the conversations, referring to certain developments in the international situation. The Government of the M.P.R., as always, stands for development of normal relations among states with different social political systems on the basis of the principle of peaceful coexistence.

"Q. What is Mongolia's view of the current international situation, in particular in Asia?

"A. As a result of aggressive policies of imperialist forces in different parts of the world, tension continues to exist, causing serious concern for all peace-loving nations. This is borne out by the aggressive war of the United States in Vietnam and the dangerous situation in the Middle East.

"Convinced of the necessity to solve disputes peacefully through negotiations, we in Mongolia watch with attention the four-sided talks on Vietnam taking place in Paris. The Mongolian people and Government are convinced that in order to settle the Vietnam problem the first thing that must be done is the stopping of the aggressive war of the United States in Southeast Asia, withdrawal of its troops and military personnel and arms from South Vietnam, and the granting to the Vietnamese people the opportunity to determine their destiny independently. The Government of the M.P.R. supports the new proposal of the National Liberation Front of South Vietnam.

"As to the crisis in the Middle East, we firmly stick to the view that it must be settled in accordance with the United Nations resolution of Nov. 22, 1967, on the basis of withdrawal of Israeli troops from occupied Arab territory.

"In these days the peoples of the world watch with concern the situation created in the Far East in connection with the concentration of American naval and air forces off the shores of Korea and the continuing provocative actions by the American military against the Korean Democratic People's Republic.

"Public opinion in Mongolia resolutely demands that the U.S.A. should stop the dangerous provocations aggravating tensions in this area.

"Q. What is the future of Mongols living in Mongolia, in the Soviet Union and in China?

"A. To my mind it is hard to find a state in the world whose population will be uniform regarding national origin or status. As is known Communists have the fairest approach to the solution of the national problem. They are guided by the principles of equality, mutual respect, friendship and cooperation of different peoples and national minorities. These principles are fully realized in Mongolia as in the Soviet Union. We have always supported the idea that all nationalities in all states, whether in China, the U.S.A. or another country, live in friendship and complete equality without humiliation, discrimination or exploitation.

"Q. What are the recent achievements and prospects of development of Mongolian industry and agriculture as well as education, science and culture?

"A. With every new year, the Mongolian people gain new successes in development of the national economy and culture, in the improvement of its standard of living. Our industry develops persistently its role and importance in the economy of the country. Backed by the cooperation and aid of the Soviet Union and other socialist states we built tens of new industrial enterprises in recent years and started construction of new industrial centers.

"A. Industry accounts for 30 per cent of the gross national product and its share in joint agricultural-industrial production is greater than 50 per cent. We shall further develop fuel and energy, metal processing, light and food industries, construction materials and other branches of industry.

"Much work was done to strengthen the material basis of agriculture, in particular in the mechanization of preparing fodder for livestock, watering of tens of millions of hectares of pasture, construction of sheds for livestock, and so on. Mongolia now fully provides herself with grain and flour.

"We have a compulsory seven-year program of education. We have 165 students for every 10,000 people, one physician for every 600 people.

"Q. Is there any possibility of expansion of trade and cultural ties of Mongolia, especially with the United States?

"A. With every new year, our trade and cultural relations with different countries grow on the basis of equality and mutual profit. These relations may be established with the United States as well.

"Q. How can Mongolia's experience in economy and social life be followed in other developing countries?

"A. The Mongolian people within a short historical period made a transition from feudalism to socialism passing by the capitalist stage of development and, having overcome the backwardness of centuries, gained important successes in creation and development of a new economy and culture. The experience of M.P.R. shows that the noncapitalist way of development is the shortest and most efficient road to quick social and economic progress."

S. 2507—INTRODUCTION OF THE VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. DIRKSEN. Mr. President, as a prelude to the introduction of the administration's amendment to the Voting Rights Act of 1965 I shall present the letter from the Attorney General to the Vice President of the United States, and then follow it with the bill because the letter pretty well spells out the additional authority that is developed under the bill, the question of presidential vote when a person has lived in an area from September 1 on, and a few other matters. But the literacy test is the important matter and to that provision I wish to address my remarks.

Mr. President, 114 years ago, when the stream of immigration from Europe began to swell, Irish immigrants showed a preference for Connecticut and Massachusetts. Public officials of that day were unhappy about it and hit upon the idea of imposing a literacy test as a qualification for voting. This meant that they had to prove that they could read, write, and understand. The purpose, of course, was to disqualify the Irish voters. The authors of that political handiwork should be here now and survey the result of their efforts.

Came then the Civil War and after that the 14th and 15th amendments to the Constitution. The 14th amendment forbade any State from abridging the privileges and immunities of citizens of the United States, and the 15th amendment provided very specifically that the right of citizens of the United States to vote shall not be abridged or denied either by the United States or by any State on account of race, color, or previous condition of servitude.

But literacy tests were imposed and enforced in many States. Today there are still 20 States which prescribe literacy tests as a qualification for voting. In some States they are ignored or simply not enforced. This includes seven Southern States where the application of a literacy test is suspended by the provisions of the Voting Rights Act of 1965. It was in 1957, when a new conscience made itself felt in the United States, resulting in the creation of a Civil Rights Commission to explore the whole question. Later came the Civil Rights Act of 1960 and the broader act of 1964. These were followed by the Voting Rights Act of 1965.

The Commission on Civil Rights consisted of outstanding talent and it made a thorough examination of the matter. Its voluminous report rather clearly indicates that the use of the literacy test made voting something of a farce in certain areas. A person with little education would be asked to read the first 10 amendments to the Constitution and then explain what they meant.

When the committees of Congress came to deal with the voting rights problem there was, therefore, a vast body of material available to aid in a viable, feasible solution. They finally agreed on a formula. In those States which had literacy tests, if 50 percent of those old enough to vote were either not registered or did not vote in the November 1964, election, the literacy test was suspended. These tests could be reimposed if the State or county could show that the tests were not used for purposes of discrimination.

Gaston County, N.C., undertook to do this very thing by coming before a three-man U.S. district court in the District of Columbia, as provided by the 1965 Voting Rights Act, and showed that there was no discrimination. The court went into the matter in depth. Let me interpolate to say that they really did go into it in great depth and they examined into the segregation problems in that county over a long period of time. They also went into the matter of education and whether the schools for Negroes were decidedly inferior to the schools that were maintained for white people, and out of all this there came a conclusion. They finally came to the conclusion that the use of literacy tests in Gaston County was discriminatory because the county, as a result of its segregated schools and its inferior schools for colored people, had thereby deprived Negro citizens of equal educational opportunities—and this is the important thing: an equal chance to pass a literacy

test. The U.S. Supreme Court sustained that decision.

It is now proposed in the new legislation which I introduce to ban all literacy tests until January 1, 1974, and to authorize the President to appoint a National Voting Advisory Commission to study further that matter of discrimination and corrupt practices.

Mr. President, I think this is a timely and restrained approach to this problem. Under the provisions of the bill, all of the literacy tests are suspended and certainly cannot be reimposed until after January 1, 1974—and not even then if Congress finally concludes, in supplementary legislation, that it should not be done.

It is a difficult matter, to say the least, but now we have geared the Voting Rights Act of 1965 into the 1964 election and I am of the opinion that this whole matter must be brought up to date.

Mr. President, today, therefore, I introduce for appropriate reference the bill which has been developed to cover the various points. In a general way, I think it is a good bill and merits the expeditious action of the Judiciary Committee and the Senate.

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

The bill (S. 2507) to amend the Voting Rights Act of 1965, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and (by unanimous consent) referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to the Vice President from the Attorney General, to which I have referred.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to insure that there is no arbitrary or discriminatory denial of the voting franchise. This proposed act would be known as the "Voting Rights Act Amendments of 1969."

Experience during the last four years with the 1965 Act has shown that denial and abridgment of the right to vote as guaranteed by the Fifteenth Amendment are not limited to any geographical section of the nation, to any group, or to any category of community. The 1965 Act has worked well in the areas within its jurisdiction; it is now time to make the statute effective nationwide.

Accordingly, the bill transmitted herewith extends the Voting Rights Act of 1965 by prohibiting any State from utilizing a literacy test or any similar test or device at any time until January 1, 1974. At the same time, the measure maintains and extends to all States the authority of the United States to designate examiners when necessary to enforce the guarantees of the Fifteenth Amendment, and strengthen the authority of the Attorney General to arrange for observers to assist in the enforcement of these constitutional guarantees. Provision is also made for the Attorney General to have nationwide authority to initiate voting rights law suits and to request court orders freezing discriminatory voting laws and practices.

The bill also creates a Presidential Commission to study the effects of literacy tests and other restrictive activities upon the use of the franchise, and the impact of fraud or mission would make recommendations to the corrupt practices on voting rights. This Commission would make recommendations to the President and Congress by January 15, 1973.

Another major section of the bill provides that a citizen otherwise qualified to vote under the laws of a State cannot be denied his right to vote for President and Vice President in that State if he has resided in the State since September 1st next preceding the election. If he changes his residence subsequent to September 1, his vote is protected in the State from which he moved.

It is strongly recommended that the Congress promptly consider and enact this legislation.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the Program of the President.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR CRANSTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and reading of the Journal tomorrow, the distinguished Senator from California (Mr. CRANSTON) be recognized for not to exceed 1 hour for the purpose of a number of the Members delivering tributes to former Chief Justice of the United States, Earl Warren.

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

ORDER OF BUSINESS

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

KEEPING AN EYE ON EAVESDROPPING

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal, on Wednesday, June 25, published a thoughtful editorial on the issue of wiretapping.

It discusses the Justice Department's recent assertion that it may eavesdrop on certain groups without court approval.

The Journal feels, and I fully concur, that continued court approval of eavesdropping by Government is essential to preserve necessary perspective between protecting society and the assumption by Government of unwise powers.

Wiretapping is a dirty business and must be authorized only under carefully controlled conditions.

When the Omnibus Crime Control Act of 1968 was before the Senate, I supported the amendment offered by the distinguished Senator from Michigan (Mr. HART) which would have tightened the restrictions against Government wiretapping. This amendment failed by a vote of 37 to 44.

I have been strongly opposed to wiretapping except in national security cases or perhaps where organized crime is involved.

If wiretapping is to be permitted, however, most certainly it should not be permitted until an order from competent court jurisdiction is obtained.

I invite the attention of the Senate to the Wall Street Journal editorial captioned "Keeping an Eye on Eavesdropping." I ask unanimous consent that the text of this editorial be published in the RECORD at this point.

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

KEEPING AN EYE ON EAVESDROPPING

The Justice Department's recent assertion that it may eavesdrop without court approval on domestic groups who attempt to use unlawful means to "attack the existing structure of government" must be regarded with suspicion.

New technology makes electronic eavesdropping a potential menace to society to be used only with the greatest care. The present dangers which eavesdropping might reduce hardly seem of a magnitude to justify the potentially increased threat to the privacy of innocent citizens.

Court approval is the central issue. For the Justice Department has claimed for the Executive branch the power to judge whether the groups to be surveyed are in fact a threat to Government, as well as to eavesdrop on them. Under the Crime Control Act passed last year, Federal agents as well as other law officers must obtain a warrant from a Federal judge in order to eavesdrop, requiring them to prove the likelihood that the eavesdropping will produce information relevant to past or future crimes.

The Crime Control Act did exempt from its provisions eavesdropping conducted with the President's approval to investigate threats to national security. But disturbingly, a Justice Department spokesman explains that the recent move to seek new powers is not an attempt to claim that exemption. Rather, the department hopes to establish that the President has a Constitutional power to authorize electronic surveillance of groups which threaten the Government. Authorizing such surveillance, the department said, "properly comes within the competence of the Executive and not the Judicial branch."

Legally recognizing such power might be justified as an emergency measure if our society were on the brink of a revolution. In the absence of such extreme conditions, however, it seems a dangerous action. In the hands of the wrong Government leaders, the power could lead to the harassment of lawful dissenters. Disclosures that Federal agents in the past have routinely eavesdropped on such moderate protesters as Martin Luther King do little to allay such fears.

Indeed, the circumstances of the Justice Department's claim suggest a loss of perspective. The assertion of new power to eavesdrop was included in papers filed in the Chicago trial of antiwar activists in-

dicted for inciting riots at last summer's Democratic Convention. The implication is that the Justice Department considers the antiwar, black and student militants a threat which justifies this new authority.

The department argues, for example, that since the President has had to call out Federal troops to quell domestic disorders, eavesdropping is justified to gather "intelligence" on groups that might hope to foment disorders.

Though the rhetoric and actions of some militant groups are often outrageous, the form of "revolution" they usually seem to favor—and in any event, the only form for which they can attract wide support—is cultural rather than political. Instead of seizing Washington by force and ousting the President and Congress, they hope to effect, by whatever obscure means, a sweeping change in human values. Whether or not this is desirable or possible, it should hardly be seen as a threat to viable democratic government.

Undeniably, violence and other illegal activity figures in the plans and policies of some militant groups. But surely existing state, local and Federal laws provide ample basis for its control. By asking for special power based on the presumed threat from these organizations, the Justice Department does them the favor of assuming they are far more powerful than they now seem.

The Government clearly has a responsibility to protect society from violent and destructive dissenting groups, a job to which eavesdropping may be important. There is nonetheless danger in letting the obsession with protection become the excuse for assuming unwise powers. Continued court approval of eavesdropping, no matter what the circumstances, should do much to preserve this necessary perspective.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TEMPORARY SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), I ask unanimous consent that the bill H.R. 5833, as amended, be recommitted to the Committee on Finance with instructions to report back forthwith the bill with a new amendment, in lieu of the committee's amendment to such bill as previously reported, which would:

First, suspend the operation of section 1903(e) of the Social Security Act until July 1, 1971. The July 1, 1975, deadline now in section 1903(e) would be extended to July 1, 1977;

Second, assure that where a State reduces or eliminates a medicaid benefit it continues to spend in subsequent years at least the same amount of non-Federal funds as it did in the year prior to the reduction or elimination of a benefit. Where a State makes a cutback the Governor must certify and the Secretary must find that the State is fully employing controls on utilization and costs of services called for by Federal statutes and regulations;

Third, prohibit any savings resulting from a cutback in benefits to be used without the specific approval of the Secretary to increase the formula or other basis of payment to those providers of medical services whose services would still be covered under the program; and

Fourth, correct, through a technical amendment, section 1902(c) so as to conform it to the legislative intent expressed in the Finance Committee and Ways and Means Committee reports on the provision at the time of its original enactment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there objection to the request of the Senator from Montana that the bill be recommitted with instructions?

The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, now that the bill has been recommitted, I report the bill with an amendment.

On behalf of the chairman of the Finance Committee, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5833, as reported.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5833) to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana to proceed to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to insert at the proper place in the bill:

SEC. 2. (a) Section 1903(e) of the Social Security Act is amended (1) by striking out "1975" and inserting in lieu thereof "1977".

(b) The provisions of section 1903(e) of the Social Security Act shall not apply for any period prior to July 1, 1971. In performing his functions under title XIX of the Social Security Act, the Secretary of Health, Education, and Welfare shall issue regulations and give advice to the States consistent with the preceding sentence.

(c) Section 1902(c) of the Social Security Act is amended by striking out "aid or assistance (other than so much of the aid or assistance as is provided for under the plan of the State approved under this title)" and inserting in lieu thereof "aid or assistance in the form of money payments (other than so much, if any, of the aid or assistance in such form as was, immediately prior to the effective date of the State plan under this title, attributable to medical needs)".

(d) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever any State desires a modification of the State plan for medical assistance so as to reduce the scope or extent of the care and services provided as medical assistance under such plan, or to terminate any of such care and services, the Secretary shall, upon application of the State, approve any such modification if the Governor of such State certifies to the Secretary that—

"(1) the average quarterly amount of non-Federal funds expended in providing medical assistance under the plan for any consecutive four-quarter period after the quarter in which such modification takes effect will not be less than the average quarterly amount of such funds expended in providing such assistance for the four-quarter period which immediately precedes the quarter in which such modification is to become effective,

"(2) the State is fully complying with the provisions of its state plan (relating to control of utilization and costs of services) which are included therein pursuant to the requirements of subsection (a)(30), and

"(3) the modification is not made for the purpose of increasing the standard or other formula for determining payments for those types of care or services which, after such modification, are provided under the State plan,

and if the Secretary finds that the State is complying with the provisions of its State plan referred to in clause (2); except that nothing in this subsection shall be construed to authorize any modification in the State plan of any State which would terminate the care or services required to be included pursuant to subsection (a)(13). Any increase in the formula or other standard for determining payments for those types of care or services which, after such modification, are provided under the State plan shall be made only after approval thereof by the Secretary."

Mr. LONG. Mr. President, pursuant to the motion which has just been agreed to, I report the bill H.R. 5833 as amended and ask unanimous consent for its immediate consideration.

Mr. President, the present amendment to H.R. 5833 modifies the amendment originally approved by the Committee on Finance which would have suspended the operation of section 1903(e) indefinitely until such time as the Congress lifted the suspension.

Section 1903(e) is a provision which requires States to constantly expand the benefits provided and the people eligible for coverage under their programs, so that by 1975 they would be providing comprehensive services to all the medically indigent and indigent in their States.

As Senators are well aware, virtually every State in medicaid has problems with the programs. These include catastrophic costs, fraud, abuse, poor controls, and so forth. The original committee amendment was designed to give Congress and the States an opportunity to thoroughly review the medicaid program and develop appropriate means of coping with its problems—including eliminating or reducing benefits. The committee amendment provided for an indefinite suspension. The compromise, worked out with the active participation of the AFL-CIO provides for a suspension for a period certain—2 years. The compromise meets with their approval and ours in view of the fact that it will still give reasonable time for thorough evaluation of medicaid. If more time becomes necessary, Congress could act to extend the suspension.

The second part of the amendment is designed to assure that States intend to maintain the non-Federal expenditures level under their medicaid programs. This is to avoid a State using these amendments as an excuse to simply cut back on its program indiscriminately. On the other hand, the amendment does not force States to increase their expenditures.

Another provision provides that a State desiring to cut back services must

certify—and the Secretary of the Department of Health, Education, and Welfare must find—that it is actually employing effective controls on the costs of care and utilization on the various services provided. Additionally, the State must also certify that it will not use savings resulting from a cutback to further enrich payments to those providers whose services are still covered. In other words, if a State cut out a dental care benefit, it could not increase its schedule of payments to doctors without first getting the specific approval of the Secretary of Health, Education, and Welfare.

The services of optometrists are important in bringing necessary eye care to welfare recipients. For that reason we would expect that where a State removes optometric services generally from its program it would still continue to cover those services of an optometrist which is licensed to perform, to the extent that the program specifically continues to cover those services if rendered by a physician.

A further provision conforms the language of section 1902(c) to the contemporaneous expression of intent found in the Finance Committee report at the time of medicaid's consideration in 1965.

Section 1902(c) is a maintenance of effort provision which was intended to prohibit a reduction by a State in cash assistance payments to the indigent in order to finance its medicaid program. The Department of Health, Education, and Welfare has misinterpreted this section and applied it to a prior level of medical assistance, as well as cash. The present amendment makes the necessary technical correction of section 1902(c) to conform it with congressional intent.

In essence the compromise is a recognition that neither the States nor the medicaid beneficiaries are responsible for the sharply rising costs of medical care in this country. It provides a mechanism through which the States can get relief by indicating that they are tightening up their cost control procedures and will not use the savings from their cutback to underwrite larger fees to physicians and other providers of services. These certifications—except for the one relating to cost controls—involve before-the-fact expressions of the States' good faith and intentions that they will keep the welfare of their medicaid beneficiaries in the forefront of their minds as they map a retrenchment of their medicaid plan.

Mr. ANDERSON. Mr. President, I am pleased that we were able to work out a compromise of my original amendment. Quite simply my purpose in offering the amendment was to relieve my State of New Mexico of virtually unbearable fiscal pressure. In fact, our Governor was forced to declare a state of emergency so as to free funds for medicaid. The regular appropriation had run out.

New Mexico, like many other States, simply cannot cope with the enormous dollar pressures of medicaid as it now stands.

What I hope will result during this period of suspension of section 1903(e) and the amendment of section 1902(c) to conform to congressional intent, is that New Mexico and other States as well as the Congress will have adequate time to make those in-depth statutory and administrative changes necessary to bring this multi-billion-dollar program under reasonable control. We simply cannot afford to have medicaid continue at this current breakneck, bankrupting pace.

I must say that after I introduced my first bill on this subject, S. 1849, a number of my colleagues, including Senator GORE of Tennessee, joined in the fight for this vitally needed breathing room because of the situation existing in their own States.

Again, I support the compromise and will do all I can to see to it that the purposes of the amendment are fulfilled during the next 2 years.

Mr. HARRIS. Mr. President, the amendment as originally reported was to purportedly clarify 1902(c) and to suspend 1903(e) of title XIX. I opposed this amendment because I thought it would frustrate the purpose of title XIX.

The purpose of title XIX is to provide the financial base for an upgrading of the medical assistance offered to the needy. Federal funds are made available to States participating in medicaid with certain conditions attached thereto which will insure that medical assistance to the needy will at least remain at the same level when a State enters the program and will thereafter be continually improved until comprehensive services are offered. To abandon this objective and take regressive steps would be most unfortunate.

But, I also shared with the distinguished senior Senator from New Mexico (Mr. ANDERSON) concern for the financial difficulties of several States in meeting the requirements of the act. However, I felt this problem could be solved without sacrificing the goals of title XIX. Fortunately, the amendment as re-reported with the new language can give some relief to the States facing financial difficulties, and at the same time retain the goals to title XIX.

The amendment to 1902(c) as originally reported will not be changed. However, a new subsection (d) will be added which will permit States to reduce services only upon the conditions: that they maintain the same level of cash payments for medical assistance as in the previous year; that any proposed payment increases to vendor be submitted to the Secretary for approval; and most importantly that States undertake a program of cost control. With the new subsection (d) to 1902, the amendment will be affirmative in nature, since it will require the States seeking relief to implement cost-control procedures.

Rather than suspend 1903(e) indefinitely, the goal of comprehensive services will be postponed until July 1, 1977, and the enforcement of the provision will not begin until 1971.

It is with regret that we take this action. The financial difficulty some of the States are apparently experiencing has not resulted from 1902(c) or 1903(e), but has been due to accelerated and unanticipated increases in the cost of medicaid. While costs of all other items were up 11 percent between 1965 and 1968 on the Consumer Price Index, physicians fees rose 21 percent and hospital charges increased by 52 percent. Instances of vendor abuse are uncovered almost daily and the lack of effective cost controls are evident to all.

I am encouraged by the Finance Committee hearings which are scheduled this week on the medicaid and medicare programs and the study the Finance Committee staff has been making on cost controls. This is the proper approach to take in answering the financial difficulties facing the States, not further modification of the goals or extension of the deadlines of title XIX. I am most hopeful that our efforts in this regard will permit us to move toward comprehensive health services and accomplish this with less financial stress on the States. As we move to implement cost controls, the amendment which has been rereported today, should be enacted.

Mr. KENNEDY. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that a statement prepared by him relative to H.R. 5833 be inserted in the RECORD.

There being no objection, the statement by Senator RIBICOFF was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RIBICOFF

Mr. President, I supported H.R. 5833 as amended following recommittal to the Committee on Finance. The new Committee amendment now before the Senate meets many of the basic objections voiced by several Senators including myself to the original Committee amendment.

H.R. 5833, as it now stands, strikes a better balance between efforts to attain the national goals of the Medicaid program and the need to meet the acute financial distress being faced by several states with operating Medicaid programs. While recognizing this fiscal crisis, the new amendment now retains the required emphasis on the national program to provide better health care for the needy.

Four years ago, the 89th Congress highlighted its great domestic record by passing the historic Medicare and Medicaid laws. This legislation set forth, in clear and unmistakable terms, our national commitment to better health for those who could not afford it on their own. This commitment remains valid today.

In 1965 no one expected our aims to be achieved without a struggle. But regrettably, our efforts have been increasingly burdened by an unprecedented rise in the cost of medical care. This inflationary trend combined with some abuses and lax administration of federal programs have caused the price of Medicaid to soar far beyond our original estimates.

As a result some states have found themselves close to being overburdened by the costs of the program.

In these circumstances, Mr. President, our purpose must be to control these rising costs and to tighten up program administration without sacrificing our national goals and without penalizing the recipients of medical assistance. We must continue to recognize the soundness of our original commitment to the American people. We cannot abandon the basic aims of Medicaid in order to deal with a financial crisis which will be but a temporary situation if the Congress takes the necessary steps to control costs.

In this respect I am pleased to note the set of hearings scheduled to begin tomorrow in the Finance Committee on the overall ad-

ministration of the Medicare and Medicaid program. These hearings will be the beginning steps in what must be a concerted effort to control health costs in America, and I commended the Senators from Delaware (Mr. WILLIAMS) and Louisiana (Mr. LONG) for their leadership in this field.

The purpose of controlling health costs is to protect the national commitment to health care for the needy—not to reduce it. To cut services drastically in the face of rising costs would be charging the needy for sins of medical service vendors. The beneficiaries of improved administration will be the very people who are now unfortunately left out of many programs because of our inability to finance them properly.

It is for this reason that we have insisted that any amendments to the title XIX program must recognize the continuing national effort to provide this urgently needed care and the need to expand available services to greater numbers of the poor. Therefore, under the revised amendment no state will be able to reduce its present financial commitment to Medicaid. In order to modify its program of services in any way, a state must certify that it has an ongoing cost control program in effect. Additionally, the Secretary of HEW must review and approve any further increase in unit payments. Finally, this amendment retains legislative requirements to provide comprehensive health care for the needy by a date certain. The goal, because of fiscal necessity has been moved back to 1977. While it would have been preferable not to tamper with the original date of 1975 circumstances do not permit this luxury. A goal of 1977 is better than none at all.

Mr. President, our efforts in this area must continually be directed at the requirements of our citizens who bear the double burden of poverty and illness. Our vigilence over the Medicaid program must be predicated on the effort to seek continuing progress toward this goal. I believe H.R. 5833 now reflects this commitment and it has my support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 5833) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I just want to make certain that there are no questions and that there will be no motion to reconsider or to table, and that this matter has been cleared all the way around.

TO MAKE PERMANENT THE EXISTING TEMPORARY SUSPENSION OF DUTY ON CRUDE CHICORY ROOTS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of June 26, 1969, pp. 17473–17474, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, there were two Senate amendments to the House-passed bill. The first repealed the limitation on Federal participation in aid to families with dependent children. The second amendment extended a program of aid to repatriated U.S. nationals for 2 years. The House conferees agreed to accept both Senate amendments without change.

My colleagues will remember that the limitation on Federal participation in aid to families with dependent children, called the "AFDC freeze," was first incorporated in the House version of the Social Security Amendments of 1967. The House bill recommended a major new approach to the reduction of the dependency in the program of aid to families with dependent children by providing an opportunity for training and other services leading to employment. To insure that States would rapidly implement this major new program, the House placed a limitation, effective January 1968, on Federal participation in aid to families with dependent children.

In the Committee on Finance, we endorsed the basic approach of the House bill, but we proposed a broader and more comprehensive work incentive program which we felt made the aid to families with dependent children freeze unnecessary. We therefore deleted the limitation in the Senate. The House conferees were unwilling to accept outright repeal of the limitation, but they did agree to postpone the effective date to July 1, 1968. Last year the effective date was postponed until July 1, 1969.

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

In addition, Supreme Court decisions have had a major impact on the welfare programs. A decision of the Court last year would not permit States to declare families ineligible for assistance because of the presence of a man in the house who is not married to the mother of the family. Another decision this April would force States to eliminate eligibility requirements based on length of residence. Last year's decision affected 18 States; this year's would affect some 40 States.

The Department of Health, Education, and Welfare has estimated than an increase in the AFDC rolls ranging from 200,000 to 400,000 recipients might result from the elimination of the man-in-the-house rule; another 100,000 to 200,000 AFDC recipients might be added to the rolls as a result of the elimination of duration-of-residence eligibility requirements. For the most part, under present law there would be no Federal participation on behalf of the children added to the rolls as a result of these court decisions.

It was against this background that the Senate voted and the House conferees agreed to repeal the limitation on Federal participation in aid to families with dependent children.

The second Senate amendment relates to a provision in the Social Security Act authorizing temporary assistance to U.S. citizens who return to this country because of war, invasion, destitution, illness, or similar crisis, and are without available resources.

Under this program, the Federal Government may pay for reception, care, and temporary assistance when these individuals reach the United States. This program was originally authorized in 1961, and has been extended several times. The Senate amendment, which the House conferees agreed to, will extend the program for 2 years, until June 30, 1971.

This statement was delivered in behalf of the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG).

Mr. DIRKSEN. Mr. President, on behalf of the Senator from California (Mr. MURPHY) I ask unanimous consent to have printed in the RECORD a statement he had prepared on the conference report.

There being no objection the statement by Senator MURPHY was ordered to be printed in the RECORD, as follows:

Mr. MURPHY. Mr. President, I support the conference report on H.R. 8644, which includes a very important provision repealing Section 403(d) of the Social Security Act, the so-called AFDC "freeze." I strongly supported the Senate action, and I congratulate the Senate conferees for seeing to it that the Senate provision prevailed in conference.

The repeal of the AFDC "freeze" carries out the recommendations of President Nixon and Secretary Finch and will be welcomed news in my state of California. The repeal was urgent prior to the Supreme Court's decision outlawing state residency requirements for welfare benefits. That decision has been described by Governor Reagan as the proverbial "last straw" insofar as its impact on state and local governments is concerned.

With many state and local governments already desperately struggling to keep fiscally afloat, allowing the AFDC "freeze" to continue could be the fatal blow. If the "freeze" had been allowed to stand in California, it would have cost the state $39 million annually. According to information supplied to me by the state for fiscal years 1969 and 1970, federal action, not including the Supreme Court's decision in the residency matter, added $61.7 million to California's cost. When we include the Supreme Court's decision, the figure reaches $80 mil-

lion, $22.8 million of which would fall on the property taxpayers in California's fifty-eight counties.

Mr. President, I share the country's concern over rising welfare costs. There is little question that the present system needs a major overhauling. It has tended to perpetuate poverty not end it. We must find new methods and incentives to break the poverty cycle and move those who are able into productive employment. In other words, we must transfer these people from the public rolls to the payrolls. This is not only essential to reduce the rising welfare costs, but also for the dignity of the individuals involved.

Various experiments and approaches are being tried and tested across the country. The Department of Health, Education and Welfare is reviewing the present welfare system and hopefully will have constructive recommendations to improve the situation in this Congress. I certainly intend to join in the search for a new and better approach in this area.

Mr. President, I certainly want to thank President Nixon and Secretary Finch for their realization of the adverse effect that the AFDC "freeze" would have on state and local resources and for recommending its repeal. The federal government must simply realize the consequences of pulling the rug out from under state and local programs.

Mr. HARRIS. Mr. President, I want to commend the conference committee on H.R. 8644 and our chairman, the distinguished Senator from Louisiana (Mr. LONG), for adoption of the amendment to repeal the AFDC freeze.

The action taken by the conference committee will surely be applauded by the Governors and directors of welfare programs throughout the Nation, most of whom have been critical of the freeze. They have been critical because the freeze on AFDC payments, if permitted to take effect, would have created an intolerable situation for the States. The impending freeze would have forced States to make a choice between spreading already inadequate benefits to greater numbers; raising additional money themselves; or barring families from the welfare rolls. We can all share in the relief that this unfortunate measure has now been finally repealed and there is no longer the possibility that 300,000 children could have been dropped from AFDC rolls.

But, relief is not satisfaction. We cannot be satisfied until we begin to take forward steps, rather than retracing former steps. I would hope that this repeal of the freeze signifies that we are now ready to undertake substantial reform of our welfare system during this session of Congress.

THE PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LITERACY TESTS IN GASTON COUNTY, N.C.

Mr. ERVIN. Mr. President, the Greensboro Daily News of Greensboro, N.C., carried an editorial in its issue of June 4, 1969, entitled "Literacy Tests in Gaston," which comments with much wisdom upon the decision of the three-judge court in the District of Columbia, and the decision of the Supreme Court of the United States in the case in which Gaston County sought to obtain exemption from coverage under the Voting Rights Act of 1965.

As the editorial writer comments:

By endorsing the far-fetched reasoning of U.S. District Judge Skelly Wright in the Gaston County literacy test case, the Supreme Court has in a small but significant measure armed its critics and disarmed its defenders.

Both the opinion of Judge Wright and that of the Supreme Court in effect amend the act of Congress by adding to it requirements not constituting a part of the act. Since every informed person in North Carolina knows that the election officials of Gaston County have not been guilty of discriminating against any person qualified to vote on the ground of his race, color, or previous condition of servitude in violation of the 15th amendment, the decision of the three-judge District court, and the decision of the Supreme Court in the Gaston County literacy test case does nothing to enhance the confidence of informed North Carolinians in the national judiciary.

The result of this case, which under the Voting Rights Act of 1965 had to be tried before Judge Skelly Wright and two other judges of the District of Columbia instead of before the Federal courts of North Carolina where witnesses were readily available, demonstrates that the provision of the Voting Rights Act which nailed shut all the Federal courts in the Nation, except the District Court of the District of Columbia, was and is a rather shabby form of due process of law.

I ask unanimous consent that the editorial to which I have referred, 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:

LITERACY TESTS IN GASTON

By endorsing the far-fetched reasoning of U.S. District Judge Skelly Wright in the Gaston County literacy test case, the Supreme Court has in a small but significant measure armed its critics and disarmed its defenders.

The least of the questions here is the fairness or unfairness of literacy tests per se. None of the judges or justices who considered the Gaston case felt that the county had deliberately used the test to exclude Negro voters from the rolls. The issue, rather, is to what lengths the courts will go, in interpreting an act of Congress, to achieve what they feel to be—what may in fact be—a desirable result. The running criticism of the federal judiciary has been that it is "result-oriented"—that is, amenable to bending the laws and the Constitution to achieve politically-desirable ends. In general, this criticism is far-fetched; in the Gaston case it may not be.

Recently Gaston County, following the provisions of the 1965 Voting Rights Act, applied to the U.S. District Court in the District of Columbia to be released from the sanctions of the act. In Gaston, under the law, the literacy test has been automatically suspended because fewer than 50 percent of its residents had voted in the presidential election of 1964—the more or less arbitrary guideline Congress adopted.

Under the 1965 act, a county so proscribed has to demonstrate that it has not for five years used the test discriminatorily. And even Judge Wright, who wrote the district court decision, agreed that the test had not been used "for the purpose" of racial discrimination.

Why not, then, release Gaston County from sanction?

That is where Judge Wright's ingenious reasoning came in. Judge Wright found that the literacy test in Gaston County had had the "effect," deliberate or not, of discrimination because during the minority of some living potential voters Gaston County schools had been segregated and the Negro schools presumably unequal.

This reasoning is questionable on several grounds. In the first place, most illiterates are made over the years in North Carolina by dropping out of school, not by having to attend an inferior school. Moreover, it is clear that Congress in 1965 refused to abolish literacy tests outright. The effect of this decision notwithstanding, is to abolish them outright in any county that ever had segregated schools. Judge Wright also ignored the fact that until 1954 the "separate but equal" doctrine had been the law of the land for 56 years.

When it endorses Judge Wright's reasoning—and by a vote of 7 to 1 at that—the Supreme Court seems to be visiting the sins of the fathers on the current generation. It is saying to Gaston County, and any county in the same fix, "You are to be penalized under the law of the land, circa 1969, for taking advantage of the law of the land, circa 1898."

The case may seem a bit academic, especially since the literacy test is in increasing disuse in Piedmont, North Carolina. But it involves a basic principle—the principle that if the intent of Congress is clear and there is no conflict with the Constitution, a piece of legislation should be applied as Congress wrote it, and not as the judges embellish it.

It is such decisions that pave the way, in public sentiment, for "strict constructionists."

JONES AGAINST ALFRED H. MAYER CO.: JUDICIAL ACTIVISM RUN RIOT

Mr. ERVIN. Mr. President, the Vanderbilt Law Review for April 1969 published an article by me entitled "Jones v. Alfred H. Mayer Co.: Judicial Activism Run Riot."

I ask unanimous consent that that 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:

JONES V. ALFRED H. MAYER CO.: JUDICIAL ACTIVISM RUN RIOT

(By SAM J. ERVIN, JR., U.S. Senator from North Carolina, chairman of the Senate Judiciary Subcommittee on Constitutional Rights)

I. INTRODUCTION

Those who make it their business to follow closely the work of the Supreme Court have noticed its tendency to save the most controversial decisions of the term for the last days in June, just before the Court recesses for the summer. One sometimes gets the impression that the Justices wish to be far away from the summer storms produced by these decisions, returning to Washington in the quieter days of the fall.

Thus it was not surprising that the Court saved its decision in *Jones* v. *Alfred H. Mayer Co.*[1] until June 17, 1968, and then promptly left town. The *Jones* case is a glaring example of the Court's habit of effecting constitutional revision by judicial fiat. In this case, a majority of the Justices engaged in a transparent exercise of rewriting history and gave an ancient and limited civil rights statute an interpretation that not even ar-

Footnotes at end of article.

dent defenders of the Court's activism thought warranted.

In a seven-to-two decision the Court held that the Civil Rights Act of 1866 had been intended to and did prohibit private racial discrimination in the sale or rental of housing. Reversing the option of the Court of Appeals for the Eighth Circuit,[2] which had affirmed the district court opinion,[3] the Court held that the plaintiffs, a Negro husband and his Caucasian wife, who had attempted to buy a home in a housing subdivision and who alleged their effort had ben refused solely because of the husband's race, were entitled to federal relief. Justice Stewart, who wrote the opinion of the Court, was joined by the Chief Justice and Justices Black, Douglas, Brennan, Fortas and Marshall, with Justice Douglas writing a brief concurring opinion. Justice Harlan wrote a dissenting opinion, in which Justice White joined.

The statute applied by the Court provides:

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property." [4]

These words were originally a part of the Civil Rights Act of 1866.[5] The chief proponents of the Act of 1866 claimed that Congress had acquired the power to adopt it under the thirteenth amendment, which had been ratified in 1865. The thirteenth amendment reads as follows:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

The purpose of the thirteenth amendment was to abolish slavery as it existed before the Civil War.

II. THE HISTORIC CONTEXT

The Civil Rights Act of 1866 was designed to make the newly-freed slaves citizens of the United States and to compel each state or territory to treat them as equals of their white citizens rather than as aliens in respect to the fundamental civil rights specified in the Act. A citizen had the legal capacity to acquire property from a willing vendor, while an alien had either a severely limited or a total lack of such capacity. Almost all historians and legal scholars agree that freedmen were treated as aliens before the passage of the Civil Rights Act of 1866.[6]

A slave had no rights. He could not own property, either by purchase, inheritance, or gift. He did not have the capacity to contract; he could not make a valid bond or lease of property, nor could he be held to his promise in writing even after he became free. Of course, he had no right to sue or be sued and no right to serve as a juror or witness in court. In short, before the law, he was for the most part an "unperson."

At least in legal theory, and apparently in fact, in the early 19th Century the inability to hold property, to contract, and to have other property rights was a disability of slavery rather than race or color. As a general rule, the free Negro in the South was entitled to own real and personal property and to contract. But by the 1840's, the fear of slave rebellions and unrest caused the slave-holding states to begin legislating strictly in regard to free Negroes with the result that, while their right to own property might not have been abrogated, their enjoyment of the right was limited. Strict patrol and police regulations governing travel were enacted, requiring each Negro to have a pass to travel outside his immediate locale; some states required free Negroes to select a guardian who would stand as patron for them, contracting and entering into legal arrangements for them.[7]

Of course, the Negro hardly fared better in the North at the time. Many northern states prohibited free Negroes from emigrating into them, and most denied them suffrage, the right to sue, the right to serve as jurors, and the right to be witnesses in court.[8] Most of these disabilities, it must be emphasized, were considered to be withholding of political rather than civil rights, and congressional sponsors of civil rights legislation time and again disclaimed any intention to interfere with laws of a purely political nature.

Many of the contemporary supporters of the 1866 Act entertained serious doubts regarding the constitutionality of the measure under the thirteenth amendment. They doubted that the thirteenth amendment prohibition against "slavery" or "involuntary servitude" could be stretched so far as to include protection of all the rights included in the 1866 Act.[9] In fact, this doubt played a major role in the drafting of the first section of the fourteenth amendment, which actually incorporates the major provisions of the 1866 Act. This was done to insure the constitutionality of the Act and to forestall the repeal of its provisions by a subsequent congressional majority.[10]

A. The civil rights bill of 1866: Legislative history

After the conclusion of the Civil War, Congress approved the thirteenth amendment, which was ratified in 1865. Subsequently, based upon the constitutional authority contained therein, the 39th Congress passed S. 60, an amendment to the Freedman's Bureau Act,[11] to strengthen the resources of the recently established Freedman's Bureau and to protect the civil rights of freedmen in the states which had attempted to secede. Section 7 of S. 60 provided that when any state which had been in rebellion denied to Negroes any civil right belonging to a white person "in consequence of any State or local law, ordinance, police, or other regulation, custom or prejudice," [12] the President had a duty to extend military protection to such person. The section defined "civil rights" to include these rights: to make and enforce contracts; to sue, be parties and give evidence; to inherit, purchase, lease, sell, hold and convey real and personal property; and to have full and equal benefit of all laws. Section 8 made it a misdemeanor punishable by agents of the Bureau for any person acting "under color of any State or local ordinance, police, or other regulation or custom" [13] to subject or cause to be subjected any Negro to the deprivation of any civil right secured to any white persons.[14]

S. 60 was premised upon the power of Congress to treat the seceding states as conquered provinces; it was operative in a period when the defeated South was under the rule of military governments having virtually unlimited powers. While it is of little value to engage in a semantic argument regarding the interpretation of the terms "custom or prejudice" in section 7 of the bill, it might be noted that "custom" was generally considered to be behavior legitimated by state or community sanction, something more than general prejudice. Moreover, since the term "prejudice" was not included in section 8, providing criminal sanctions, it seems to be fairly clear that S. 60 was designed primarily to deal with state action, despite the circumstances surrounding its passage.

Following the passage of S. 60, the 39th Congress turned to the Civil Rights Bill of 1866. In order to engage in a meaningful discussion of its legislative history, special attention must be given to relevant portions of its original text:

"Section 1. That all persons born in the United States and not subject to any foreign power, excluding Indians, not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous conditions of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property; and to full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulations, or custom, to the contrary notwithstanding.

"Section 2. That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this Act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court." [15]

As noted above, there were those in the 39th Congress who felt that Congress did not have the power to pass the Civil Rights Bill, and such doubts played a major role in the subsequent drafting of the fourteenth amendment.[16] Therefore, following the ratification of the fourteenth amendment, when Congress enacted the Civil Rights Act of 1870, protecting the rights of suffrage, it provided for the reenactment of the 1866 Act. This reenactment was felt to be of no consequence by the majority in *Jones*, despite the unarguable fact that it is hardly an everyday occurrence for the Congress to feel the need to reenact one of its own laws verbatim.[17]

The record clearly indicates that the Civil Rights Act of 1866 was designed to protect limited rights. It was not considered to be all-encompassing and was not drafted to reach private action. Rather, by prohibiting all state legislatures from enacting and enforcing statutes that treated one citizen differently from another, it was directed toward establishing equal legal status and capacity in clearly defined areas for those recently emancipated from slavery.

Certainly there are many ambiguities in the debates, but when they are read in their entirety, in the context of the period, the dominant theme is concern with *state*, not individual, action, either by those entrusted to enforce the law or by a private citizen acting under color of law. Either falls under the traditional state action requirement. When combined with the apparent meaning of the statute itself and construed according to the rules of statutory construction, this theme clearly indicates that the majority decision of the Supreme Court in *Jones* is based upon wishful thinking that can be substantial only by violating all the standard rules of statutory construction, by ignoring the history of the times, and by placing upon the meaning of both the words and the history an interpretation that is clearly unreasonable.

A clear distinction between "civil" and "political" rights was drawn at the time the Civil Rights Act was passed, a distinction based on the privileges and immunities clause of article IV, section 2, of the Constitution. The most commonly-quoted explanation of the difference is found in the opinion of Justice Washington in *Corfield v. Coryell*, which reads:

Footnotes at end of article.

"We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free Governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; to take, hold, and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; may be mentioned as some of the particular privileges and immunities of citizens, which are clearly embraced by the general description of privileges deemed to be fundamental." [18]

Reliance on this definition was virtually universal among members of the 39th Congress, including Senator Trumbull of Illinois, Chairman of the Judiciary Committee and author of the Civil Rights Bill, who, after quoting the above passage, was asked to interpret the term "civil rights." He responded:

"The first section of the bill defines what I understand to be civil rights: the right to make and enforce contracts, to sue and be sued, and to give evidence, to inherit, purchase, sell, lease, hold, and convey real and personal property, and to full and equal benefit to all laws and proceedings for the security of person and property. These I understand to be civil rights, fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists we have a right to protect every man in.

"Mr. McDougall. Do I understand that it is not designed to involve the question of political rights?

"Mr. Trumbull. This bill has nothing to do with the political rights or status of parties. It is confined exclusively to their civil rights, such rights as should appertain to every free man." [19]

Subsequently, in response to the claim of opponents of the bill that it was all-encompassing, Trumbull said:

"The bill is applicable exclusively to civil rights. It does not propose to regulate the political rights of individuals; it has nothing to do with the right of suffrage, or any other political right; but is simply intended to carry out a constitutional provision, and guarantee to every person of every color the same civil rights. That is all there is to it." [20]

Both the Freedman's Bill (S. 60) and the Civil Rights Bill (S. 61), introduced by Senator Trumbull on January 5, 1866, were based upon the second section of the thirteenth amendment, a section which Trumbull repeatedly asserted gave Congress the power to reach state action. For instance, in discussing the Freedman's Bill, Senator Trumbull said:

"I have no doubt that under this provision of the Constitution we may destroy all these discriminations in civil rights against the black man. . . . If in order to prevent slavery Congress deem it necessary to declare null and void all laws which will not permit the colored man to contract, which will not permit him to buy and sell, and to go where he pleases, it has the power to do so. . . . That is what is provided to be done by this bill. Its provisions are temporary; but there is another bill on your table, somewhat akin to this, which is intended to be permanent, to extend to all parts of the country, and to protect persons of all races in equal civil rights." [21]

Later, during the Civil Rights Bill debate, he declared that the abstract declaration embodied in the thirteenth amendment was of little value "if in the late slaveholding States laws are to be enacted and enforced depriving persons of African descent of privileges which are essential to freemen. . . . It is the intention of this bill to secure those rights." [22]

In the House of Representatives, where the bill was managed by the Chairman of the House Judiciary Committee, Representative Wilson of Iowa, the emphasis was also on state action. Representative Wilson saw a need to eradicate the Black Codes. In discussing such Southern legislation, he said:

"It will be observed that the entire structure of this bill rests on the discrimination relative to civil rights and immunities made by the States on 'account of race, color, or previous condition of slavery'." [23]

Another active participant in the debate, Representative Shellabarger of Ohio, asserted that the whole effect of section 1 was:

"[T]o require that whatever of these enumerated rights and obligations are imposed by State laws shall be for and upon all citizens alike without distinctions based on race or former condition in slavery. . . .

Self-evidently this is the whole effect of this first section. It secures—not to all citizens, but to all races as races who are citizens—equality of protection in those enumerated civil rights which the States may deem proper to confer upon any races." [24]

The Court makes much of the relation between sections 1 and 2 of the original Civil Rights Act and interprets section 1 as applying to both state and private action, while asserting that the criminal penalties embodied in section 2 apply only to those acting under color of state law. However, the drafters of the legislation evidently took the view common in legislative draftsmanship, namely that section 1 expressed those "fundamental rights" sought to be guaranteed by the bill and section 2 provided the penalties for violating or interfering with those rights. Senator Trumbull indicated that section 1 of the bill stated the "great fundamental rights," but that it would be of little value without machinery designed to give effect to those rights, saying:

"[T]he only question is, will this bill be effective . . . for the first section will amount to nothing more than the declaration in the Constitution itself unless we have the machinery to carry it into effect. A law is good for nothing without a penalty, without a sanction to it, and that is to be found in the other sections of the bill." [25]

Obviously, this means that those penalized by section 2 (those acting under color of state law) are the only ones prohibited from interfering with the "great fundamental rights" outlined in section 1.

The Court strains the boundaries of legal reasoning to arrive at its conclusion. In order to show that section 1 applies to private acts of discrimination, the majority opinion is forced to disassociate that section from the second section in which there is reference to "color of law." The Court's legal reasoning consists simply of the bare assertion that "if Section 2 had been intended to grant nothing more than an immunity from governmental interference, then much of Section 2 would have made no sense at all." and that section 2 was "carefully drafted to exempt private violations of section 1 from the criminal sanctions it impossed." [26] The sole support for this broadside assertion is a lengthy and highly speculative footnote containing quotations from a discussion on the floor between Congressman Loan of Missouri and Congressman Wilson of Iowa, the floor manager, regarding the reason for the reference to "color of law" in section 2 in view of its absence in section 1. Wilson's failure to reply directly to this question constitutes the sole textual support for the Court's argument.[27] This reasoning, to say the least, is not very lawyer-like; indeed, it is pure conjecture and not very convincing at that, especially in view of other representative statements by Congressman Wilson and Senator Trumbull indicating that the measure was intended only to prohibit acts perpetrated under color of law.

Reliance on floor debates to determine statutory meaning is always a delicate task, requiring the exercise of utmost objectivity. The pitfalls that await the careless are evident when one compares Justice Stewart's reading of history with that of Justice Harlan. The immediate impression is that the two Justices used entirely different debates. However, it becomes clear from Justice Harlan's gentle reproofs that the majority scholarship was faulty, if not deliberately selective. At best, the Court has chosen to read only those few parts of the congressional debates which, when taken out of context, will bolster its desired result. Moreover, the Court refers to sections of the debate, which, when checked, reflect positions almost diametrically opposite to the Court's position.

For example, in footnote 33, the Court refers to CONG. GLOBE, 39th Cong., 1st Sess. 1758, 1785 (1866).[28] When one checks these references, he finds Senator Trumbull asserting that:

"If an offense is committed against a colored person simply because he is colored, in a State where the law affords him the same protection as if he were white, this act neither has nor was intended to have anything to do with his case, because he has adequate remedies in the State courts; but if he is discriminated against under color of State laws because he is colored, then it becomes necessary to interfere for his protection." [29]

On page 1758, Trumbull says that everything done by the Southern dissidents was perpetrated under state laws, clearly indicating that the remedy must be directed against those laws and the persons acting under color thereof.[30] Looking further, one finds Senator Stewart saying:

"Although I am a strong advocate for local government, and extremely anxious that these matters should be attended to by the States as early as practicable, still I believe that it was the intention of those who amended the Constitution, as plainly indicated by that amendment, to give the power to the General Government to pass any necessary law to secure to the freedmen personal liberty. . . . I fully concur with the opponents of the bill that it would be much more desirable that the States should do it themselves; and I am anxious that propositions should be held out whereby they do it, and perhaps it would have been well if we had done that in the first instance. . . It passed today, it has no operation in the State of Georgia . . . and the other States can place themselves in the same position so easily that I do not believe they ought to complain. . . . He must do it under the color of a law. If there is no law or custom in existence in a State authorizing it, it will be impossible for him to do it under color of any law. This section is simply to remove the disabilities existing by laws tending to reduce the Negro to a system of peonage. It strikes at that; nothing else. It strikes at the renewal of any attempt to make those whom we have attempted to make free slaves or

Footnotes at end of article.

peons. That is the whole scope of the law. Now, if you listen to the act of Georgia you will see that they can have no law there under the color of which an offense of this kind can be committed. The second section of the act of the State of Georgia is precisely similar to the first section of the civil rights bill, taken from it almost in the precise language." [31]

Indeed, one begins to wonder if the Court accidentally cited the wrong page, for it seems odd indeed to direct the reader's attention to such damaging evidence.

The majority in *Jones* expends much effort in discussing opposition to the bill, and views the feeling of some of the opponents that the measure extended to private acts, an area constitutionally within the exclusive control of the states, as evidence that the bill *did* in fact extend to such acts. It is standard practice for opponents of any legislation to picture it as the grossest of all possible evils and generally to exaggerate its effects as a means of dramatizing an alleged problem, thereby obtaining support for their position. It is naive, to say the least, to assert that the verbiage of the opponents lends strength to the Court's position. However, under the construction given to the 1866 bill by the 1968 Supreme Court, the most rash of its opponents might well be designated true oracles in retrospect. Senator Saulsbury of Delaware, an opponent of the bill, stated:

"I regard this bill as one of the most dangerous that ever was introduced into the Senate of the United States, or to which the attention of the American people was ever invited." [32]

Finally, nowhere in the entire congressional debates was it ever suggested that private discrimination by refusal to sell or rent housing would be prohibited by the bill. In fact, nothing could have been further from the minds of the drafters, who would have considered such legislation to be tyrannical governmental intrusion on individual freedom.

B. Text of the Civil Rights Act of 1866

To support its ruling that the provisions of the Civil Rights Act of 1866, now embodied in 42 U.S.C. section 1982, are really an open occupancy law applicable to individuals not acting under color of state or territorial law, the Supreme Court does two unprecedented things. First, it assigns to the language of the Civil Rights Act of 1866 a meaning it does not have and a purpose it is not intended to achieve. Second, it divorces 42 U.S.C. section 1982 from 18 U.S.C. section 242 and 42 U.S.C. section 1983, the only laws which provide any sanctions for its violation.

There is, in truth, no relationship between the open occupancy concept and the Civil Rights Act of 1866, the presently relevant words of which merely specify that "all citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property." This language is simply designed to secure to all citizens of all races the equal protection of the laws at the hands of states and territories in respect to rights in property. In other words, its sole purpose is to make all the citizens of each state and territory equal before the law in respect to rights of property, and not to subject the rights of property of one individual to the demands of any other individual of any race.

A person has a right when the law authorizes him to exact from another an act or forbearance. Since, a white person's right to purchase or lease property has always been subjected by state and territorial law to the condition that its owner must be willing to sell or lease the property to him, the Court distorts the plain words of the Civil Rights Act of 1866 from their true meaning in holding that they confer upon a Negro the legal right to compel an unwilling owner of private property to convey or lease it to him. Furthermore, a white person does not have a right to compel an owner of real property to convey it to him, or even to lease it to him for a substantial term, unless such owner has bound himself to do so by a written contract or memorandum sufficient to satisfy the Statute of Frauds of the state or territory in which the real property is located.[33]

As Senator Trumball pointed out during the debates on the Civil Rights Act of 1866, "a law is good for nothing without a penalty, without a sanction to it, and that is to be found in the other sections of the bill." [34] By this statement, Senator Trumbull referred to section 2 of the Act, which made its sole sanction a criminal penalty. Section 2 of the Act is now codified as 18 U.S.C. section 242, and its language plainly shows that the provisions of the Civil Rights Act of 1866, now embodied in 42 U.S.C. section 1982, are limited in their application to persons acting under color of State or territorial law.[35]

For some strange reason, the Court in *Jones* takes no note of the fact that in 1871 Congress added a civil sanction to section 1 of the Civil Rights Act of 1866.[36] This civil sanction is now codified as 42 U.S.C. section 1983 and constitutes the only civil remedy available to citizens for deprivation of the property rights secured to them by 42 U.S.C. section 1982. Section 1983 reads as follows:

"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress."

This statute makes indisputable the invalidity of the Court's ruling in *Jones* that section 1982 is applicable to private acts of discrimination.[37]

C. Precedents relating to the Civil Rights Act of 1866

In reaching its decision in *Jones*, the Supreme Court was forced not only to strain statutory language, misread legislative history, and misunderstand the context of the times, but also to overrule a long line of precedents which, without exception, held that Congress had intended only to reach state action by the 1866 Act. The Court disposed of these cases in a few short paragraphs, without pausing long enough to give them a decent burial.

In the *Civil Rights Cases*, the Court discussed the scope of the 1866 Act and its application to purely private actions in the following terms:

"[I]t would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theatre, or deal with in other matters of intercourse or business." [38]

A few pages earlier, the Court had considered the theoretical distinction between a state's power to abridge a citizen's civil rights and an individual's ability to impair their enjoyment:

"[C]ivil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority . . . The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true . . . but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right . . . to hold property, to buy and sell . . . he may, by force or fraud, interfere with the enjoyment of the right in a particular case . . . but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right . . ." [39]

It was this distinction, still valid today, which the Court ignored when it gave the 1866 Act such an imaginative reading in *Jones*. Even the first Justice Harlan, who argued long and often that private discrimination is a "badge" or "incident" of slavery, would have limited prohibitory legislation to "discrimination practiced by corporations and individuals in the exercise of their public or quasi-public functions." [40]

Later under the version then extant of section 2 of the 1866 Act the Court, in *Hodges v. United States*,[41] reversed the conviction of several men for terrorizing Negroes to prevent them from exercising contracts of employment as guaranteed by section 1 of the 1866 Act. Acknowledging that one of the disabilities of slavery was the lack of power to contract and that the men in this case had deprived the Negroes of that right, the Court nevertheless concluded that "no mere assault or trespass or appropriation operates to reduce the individual to a condition of slavery," [42] and only conduct that actually enslaves can subject one to punishment under any legislation enacted to enforce the thirteenth amendment.

Then in *Corrigan v. Buckley*, the Court was called upon to determine whether the courts of the District of Columbia might enjoin prospective breaches of racially restrictive covenants under the immediate predecessors to section 1982. The Court answered negatively saying:

"[T]hey like the Constitutional Amendment under whose sanction they were enacted, do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property." [43]

In *Hurd v. Hodge*, the issue again was racially restrictive covenants, and the Court said of the predecessor of section 1982:

"We may start with the proposition that the statute does not invalidate private restrictive agreements so long as the purposes of those agreements are achieved by the parties through voluntary adherence to the terms. The action toward which the provisions of the statute under consideration is [sic] directed is governmental action. Such was the holding of *Corrigan v. Buckley*. . . ." [44]

Manifestly, the precedents are opposed to the present Court's view of this legislation. The seven Justices of the majority discarded an unbroken line of Supreme Court cases, dismissing most of them by mere footnote references.

Before the Court handed down its decision in *Jones*, the President signed into law the Civil Rights Act of 1968,[45] Title VIII of which provides the only open occupancy law ever enacted by Congress. For reasons stated by Justice Harlan in his dissent, the Court should have refrained from making any decision and dismissed the writ of certiorari under which it acted as improvidently granted.[46]

D. The thirteenth amendment

To sustain the constitutionality of its distorted construction of the Civil Rights Act of 1866, the Court invokes the thirteenth amendment, and in so doing attributes to it a meaning and purpose wholly unrelated to its history and language.[47]

Section 1 of the thirteenth amendment does two things, and only two things. First, it outlaws slavery, and second, it outlaws involuntary servitude except as a punish-

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ment for crime.[48] Section 2 of the thirteenth amendment empowers Congress to enforce section 1 by "appropriate legislation." It is manifest that this grant of legislative power merely authorizes Congress to enact laws making effective the proceding section's outlawry of slavery and involuntary servitude. It does nothing more than this. There is not a syllable in the thirteenth amendment which authorizes Congress to bar private discrimination based on race or to subordinate the contract or property rights of one free American to the demands of another free American of any race. Despite this, *Jones* expressly holds that the power of Congress to enforce the limited objectives of the thirteenth amendment vests in Congress the unlimited power to regulate the contract and property rights of all Americans in order to prevent them from practicing private discrimination against Negroes, regardless of whether there be any state involvement and regardless of what other constitutional provisions may declare.

This holding is not only repugnant to the words of the thirteenth amendment, but it is also repugnant to the sound precedents interpreting those words. As the Court delared in *Hodges* v. *United States:*

"The meaning of this [the thirteenth amendment] is as clear as language can make it. The things denounced are slavery and involuntary servitude, and Congress is given power to enforce that denunciation. All understand by these terms a condition of enforced compulsory service of one to another. While the inciting cause of the Amendment was the emancipation of the colored race, yet it is not an attempt to commit that race to the care of he Nation. It is the denunciation of a condition and not a declaration in favor of a particular people. . . . Slavery and involuntary servitude of the Chinese, of the Italian, of the Anglo-Saxon are as much within its compass as slavery or involuntary servitude of the African.[49]

And as the Supreme Court held in *Corrigan v. Buckley:*

"The 13th amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the Negro race." [50]

III. CONCLUSION

The implications of *Jones* are disquieting to those who believe that the Constitution means what it says, and not something else, and that it is desirable for our country to remain a free society. A free society must confer equality of legal rights upon all its people. But when it goes beyond this and undertakes to confer economic and social equality upon them, it ceases to be free.

Although it cites the *Civil Rights Cases,*[51] the majority opinion in *Jones* fails to note that the rulings in these cases are diametrically opposed to what it says and holds. Moreover, it ignores the observations made by Justice Bradley in the *Civil Rights Cases* about "running the slavery argument into the ground." *Jones* runs "the slavery argument into the ground." It does this by a series of assertions, some of which are surcharged with a passion somewhat incongruous for a Court which is supposed to decide legal controversies with what Edmund Burke called "the cold neutrality of the impartial judge."

Jones asserts, in substance, that the thirteenth amendment endows the Negro with various rights in addition to the one its words give him—the right to be free from enforced compulsory service to another; that among the additional rights the thirteenth amendment confers upon the Negro is: the right to have a dollar in his hand "purchase the same thing as a dollar in the hands of a white man;" the right "to buy whatever a white man can buy;" and "the right to live wherever a white man can live." Further, the Court holds that section 2 of the thirteenth amendment empowers Congress to enact all laws necessary to prevent or counteract any private discrimination based upon race which interferes with the Negro's enjoyment of these or any other undefined additional rights conferred upon him by the amendment.

In reaching these conclusions and making their adjudication in *Jones,* the majority of the Justices perform remarkable intellectual acrobatics. They misread and misinterpret the history of the Civil Rights Act of 1866 and, by so doing, impute to the Senators and the Representatives who passed the Act a purpose their minds did not entertain and their words did not express. Moreover, they assign to the Act and the thirteenth amendment meanings incompatible with their language.[52]

When all is said, *Jones* illustrates judicial activism run riot. It is, indeed, enough to make historical, linguistic, and constitutional angels weep.

FOOTNOTES

[1] 392 U.S. 409 (1968).

[2] 379 F. 2d 33 (8th Cir. 1967).

[3] 255 F. Supp. 115 (E.D. Mo. 1966).

[4] 42 U.S.C. § 1882 (1964).

[5] Act of April 9, 1866, ch. 31, § 1, 14 Stat. 27, *re-enacted by* Enforcement Act of 1870, ch. 114. § 18, 16 Stat. 144, *codified in* Rev. Stat. §§ 197–78 (1874), *now* 42 U.S.C. §§ 1981–82 (1964).

[6] T. Cobb, an Inquiry into the Law of Negro Slavery 235–39, 240–46, 260–63 (1858). *See generally* B. Hollander, Slavery in America: Its Legal History (1962); J. Hurd, The Law of Freedom and Bondage in the United States (1958); G. Stroud, A Sketch of the Laws Relating to Slavery (1856); J. Wheeler, A Practical Treatise on the Law of Slavery (1837). A definitive discussion and collection of cases is H. Catterall, Judicial Cases Concerning American Slavery and the Negro (1968).

[7] T. Cobb, *supra* note 6, at 312–17; J. Russell, The Free Negro in Virginia (1619–1865) at 88 122 (1913); Sydnor, *The Free Negro in Mississippi before the Civil War,* 32 Am. Hist. Rev. 760, 770–73 (1927). *See also* Ga. Cobb's New Dig. 991–97, 1008, 1010, 1017 (1851); Miss Hutchinson's Code 524–25, 540; N.C. Rev. Stats. §§ 588, 590–91 (1837); J. Guild, Black Laws of Virginia 102–10, 112, 114, 116–17, 120–21 (1937). For examination of the anti-slavery crusade and the Southern reaction in laws repressing it, see C. Eaton, Freedom of Thought in the Old South (1940).

[8] *See* L. Litwack, North of Slavery—The Negro in the Free States 1790–1860, at 64–97, 103–12 (1961) G. Stephenson, Race Distinctions in American Law 35–39 (1911); V. Voegeli, Free But Not Equal—The Midwest and the Negro During the Civil War 2, 125, 163, 165, 166, 169, 170 (1967).

[9] *See* J. TenBroek, Equal Under Law 223–28 (1965).

[10] *Id.* Space and time do not suffice to discuss the detailed history of all the civil rights laws enacted during the Reconstruction Era: The Acts of 1866, 14 Stat. 27; of 1870, 16 Stat. 140; of 1871, 16 Stat. 433 and 17 Stat. 13; and of 1875, 18 Stat. 335. These are set out in full text in R. Carr, Federal Protection of Civil Rights: Quest for a Sword 211–49 (1947). For the details of what happened to them, see R. Carr, Federal Protection of Civil Rights: Quest for a Sword (1947); 3 Race Rel. L. Rep. 133–61 (1958); Gressman, *The Unhappy History of Civil Rights Legislation,* 50 Mich. L. Rev. 1323 (1952); Maslow & Robinson, *Civil Rights Legislation and the Fight for Equality,* 20 U. Chi. L. Rev. 363 (1953). *See generally* 2 T. Emerson, D. Haber & N. Dorsen, Political and Civil Rights in the United States 1356–480 (1967).

[11] Act of March 3, 1965, ch. 90, §§ 1–5, 13 Stat. 507.

[12] Cong. Globe, 39th Cong., 1st Sess. 318 (1866).

[13] *Id.*

[14] The text of S. 60 is in E. McPherson, History of the Reconstruction 72–74 (1871). The original Freedman's Bureau Act and subsequent amendments are set out in W. Fleming, Documentary History of Reconstruction 315–26 (1966). *See* G. Bentley, a History of the Freedman's Bureau (1955).

[15] Civil Rights Act of 1866, ch. 31, § 2, 14 Stat. 27.

[16] *See* note 8 *supra.*

[17] It is often claimed by detractors of the Congress that there is frequent repetition and overlapping in its laws due to the ignorance of some of its members regarding the provisions of existing laws. However, reenactment by direct reference hardly falls in this category.

[18] 6 F. Cas. 546 (No. 3230) (C.C.E.D. Pa. 1823).

[19] Cong. Globe, 39th Cong., 1st Sess. 476 (1866).

[20] *Id.* at 599.

[21] *Id.* at 322.

[22] *Id.* at 474.

[23] *Id.* at 1118.

[24] *Id.* at 1293.

[25] *Id.* at 475.

[26] 392 U.S. at 424–25.

[27] *Id.* at 425 n. 33.

[28] *Id.* at 425.

[29] Cong. Globe, 39th Cong., 1st Sess. 1758 (1866).

[30] *Id.*

[31] *Id.* at 1785.

[32] *Id.* at 476.

[33] The Court does not allude to either of the conditions upon which the right of a white person to purchase real property depends. Nevertheless, its decision nullifies the Statutes of Frauds of all the States in cases coming within its ambit, and thus robs owners of real property in such cases of the protection from fraud and perjury which they enjoyed under these statutes. Moreover, it makes an oral refusal to convey or lease tantamount to a contract to sell or lease.

[34] Cong. Globe, 39th Cong., 1st Sess. 475 (1866).

[35] *See* United States v. Classic, 313 U.S. 299 (1941).

[36] Act of April 20, 1871, ch. 22, § 1, 17 Stat. 13.

[37] Hurd v. Hodge, 334 U.S. 24 (1948); Buchanan v. Warley, 245 U.S. 60 (1917).

[38] 109 U.S. 3, 24–25 (1883).

[39] *Id.* at 17.

[40] *Id.* at 43.

[41] 203 U.S. 1 (1906).

[42] *Id.* at 18.

[43] 271 U.S. 323, 331 (1926).

[44] 334 U.S. 24, 31 (1948).

[45] 82 Stat. 73 (1968).

[46] 392 U.S. at 478; *see* Bell v. Maryland, 387 U.S. 226 (1964); Rice v. Sioux City Mem. Park Cemetery, 349 U.S. 70 (1955); Magnum Import Co. v. Coty, 262 U.S. 159 (1923); Layne & Bowler Corp. v. Western Well Works, Inc., 261 U.S. 387 (1923).

[47] The distorted construction placed upon 42 U.S.C. § 1982 in the *Jones* case finds no support in either the thirteenth or the fourteenth amendments. When properly construed, however, the statute finds support in the equal protection clause of the fourteenth amendment. "Both the Civil Rights Act of 1866 and the joint resolution which was later adopted as the Fourteenth Amendment were passed in the first session of the Thirty-Ninth Congress . . . . It is clear that in many significant respects the Statute and the Amendment were the expressions of the same general congressional policy. Indeed, as the legislative debates reveal, one of the primary purposes of many members of Congress in supporting the adoption of the Fourteenth Amendment was to incorporate the guaranties of the Civil Rights Act of 1866 in the organic law of the land. Others support-

ed the adoption of the Amendment in order to eliminate doubt as to the constitutional validity of the Civil Rights Act as applied to the States." Hurd v. Hodge, 334 U.S. 24, 32–33 (1948).

[48] The word "slavery," as used in the thirteenth amendment, means a condition of enforced, compulsory service of one to another, slavery being defined by Webster as a "state of entire subjection of one person to the will of another." Hodges v. United States, 203 U.S. 1, 17 (1906). The words "involuntary servitude," as used in the amendment, include something more than slavery in the strict sense of the term. "They include also serfage, vassalage, villanger, peonage, and all other forms of compulsory service for the benefit or pleasure of others." *Ex parte* Drayton, 153 F. 986, 990 (D.S.C. 1907), *quoting and adopting definitions in* Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873).

[49] 203 U.S. at 16–17.

[50] 271 U.S. at 323.

[51] 109 U.S. 3 (1883).

[52] The language of the two short sections of the thirteenth amendment is clear and free from ambiguity. Hodges v. United States, 203 U.S. 1 (1906); Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873). As a consequence, the Court had neither the right nor the authority to resort to construction to attribute to the framers of the amendment a purpose not manifest in its language. Wright v. United States, 302 U.S. 583 (1938); United States v. Sprague, 282 U.S. 716 (1931). Despite this, the Court ignores the natural meaning of the language of the amendment and stretches the limited purposes of its framers to abolish slavery and involuntary servitude into an unlimited purpose to ban all private discrimination against Negroes because of their race, even though such discrimination does not involve in any way any enforced compulsory service of one person to another. The Court reaches its conclusion by a process which offends reason. It holds that the power given Congress by section 2 to enforce the provisions of section 1 empowers Congress to legislate in areas beyond the compass of section 1. 392 U.S. at 428.

FEDERAL EMPLOYEE RIGHTS

Mr. ERVIN. Mr. President, Saga magazine for June 1969 contained an interesting article entitled "Inquisition by Insanity," which discusses some of the tyrannies practiced upon American citizens and Federal employees by the Federal Government.

I ask unanimous consent that this 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:

INQUISITION BY INSANITY

(By Andy Sugar)

Until SAGA's authoritative report, "Uncle Sam's 13 Secret Concentration Camps" (April 1969), there had been only a rumor that these internment centers were in existence. But with that expose, it became known that the Federal Government now has the old Jap W.W. II camps ready, waiting . . . and even expecting victims in some future mass arrest of American citizens.

It was a frightening disclosure when taken in context with the Internal Security Act of 1950, called the McCarran Act, which can be interpreted as a "concentration camp" law. It provides that a man can be jailed without a court proceeding and without the Government having to furnish any proof of his guilt.

However, even with "Operation Concentration Camp" ready to go on short notice, the Government has all-along been silencing critics and dissenters—without public detection. It has a weapon which not only strips a man of many of his constitutional rights, but peels away his dignity as a human being as well as putting him in the position of damning himself, whether he cooperates with the authorities, or tells them to go to hell.

That weapon is the Psycho Ward, a simple and direct method of removing a troublesome individual from the public eye and one which forces the burden of proof on the accused and not on the accuser.

As a lawyer explained it: "When a man is arrested for a crime, no matter if it's for a minor theft or a murder, everyone from the arresting cop up to the police commissioner is worried about violating his constitutional rights.

"The suspect is offered legal advice from the beginning and no prosecutor would dare question him without having an attorney present to witness it or having the suspect waive his rights.

"There are no lengthy interrogations. No third degree where a confession is beaten out of a man. No 'truth serums' are administered. No lie detector tests. No nothing!

"And if the accused isn't officially charged within a specified length of time, he can obtain his release on a court order.

"But a man whose sanity is being challenged doesn't enjoy this kind of protection.

"First of all, he may be confined in an asylum for weeks before a friend or relative could track him down and take the legal steps necessary for his release and during that time, anything could happen.

The victim could be drugged or given harsh shock treatments that could destroy his otherwise healthy mind and turn him into a paper shell of his former self.

"If he refused to talk to anyone without his lawyer being present, that refusal could be used against him to demonstrate to a judge how sick he really was. Or if he cooperated, he could ruin his chances to get out by making truthful and innocent answers to a set of questions psychologically designed to make him look insane.

"Even if a man survived the so-called 'examination' and would be released as 'sane and competent,' he'd still have trouble because he'd carry the stigma of once having his mental stabiltiy in doubt and no matter how valid his complaints or charges against his accusers would be, no one would take him seriously.

"He would be effectively silenced by this country's overwhelming fear of psychiatry and that's all his accusers were after in the first place. They wanted him to stop making those waves everybody fears and any method that worked would be condoned."

That fear of psychiatry was not exaggerated by the attorney as shown after the last election when the noted newspaper columnist Drew Pearson, reported that President Nixon had consulted a well-known New York psychiatrist when he was Vice-President

Within days, the story had been blown out of all proportions, with denials and counter-charges on both sides making headlines and although it was never positively determined just why the President had been seeing the doctor, the abrupt, vehement and somewhat frightened reactions of the Nixon camp illustrates how damaging it thought the insinuation would be to the President.

A Big Brother type of government knows how to use a public phobia, twisting and bending it to fit any pattern or framework it wants, and in this country, the Federal Government has used the fear of challenging a man's sanity many times in the past to silence critics or dissenters. For example:

A young Naval officer questioned whether the Gulf of Tonkin incident really happened as officially reported by the Government and he was ordered to undergo a psychiatric examination.

A civil service employee commits the horrible "crime" of saving the taxpayers $250,000 by ordering improvements on delivery methods and is labeled a "chronic paranoid" by a psychiatrist who sees him for only a half-hour.

A clerk in the Pentagon becomes upset when he learns his brother had been killed in Vietnam, a perfectly natural reaction, and in his anguish, he sends a postcard to the Chiefs of Staff: "Add another notch to your gun; my brother was killed in Vietnam." Instead of their ignoring the normal outburst, he is immediately shipped out to a psychiatrist.

There are many other cases where civil servants have been forced to keep their mouths shut, or go into early retirement. One informed source, who requested his name not be used for obvious reasons, said, "There are about 3,000 cases like this on record and who knows how many thousands more buckled under and played the game."

And if you think that you're immune from this pressure just because you are not a Federal employee, here is the unnerving truth:

Sen. Sam J. Ervin of North Carolina has gone on record as saying that whatever happens to the civil service worker *eventually happens to the rest of the population.*

"If 3,000,000 Federal employees and their families can be forced to surrender their liberties without any recourse to the courts, then they can be surrendered by millions of state and local employees," he said.

"Since the attitudes and practices of the Federal Government are emulated by private industries and organizations, the injustices and tyrannies against employees ignored by Congress today will spell the destruction of basic liberties tomorrow."

And the tentacles of Big Brother have already reached out of its own bureaus and departments and grabbed some civilians in the semi-death grip of the mental hospital as illustrated by the case of Edwin A. Walker, a retired major general of the Army.

The 59-year-old Walker, a West Point graduate and much-decorated combat veteran had been a spokesman for the conservative end of the political spectrum for years and his views had not only made him an irritating barb in the side of mainstream America, but they had also gained him news headlines.

In 1961, he resigned from the Army after he had been reprimanded for sponsoring conservative-slanted indoctrination courses when he commanded the 24th Division in Germany. The following spring, he testified before a Senate subcommittee that anti-communist speeches made by military men were being censored and he continued hitting the newspapers with his speeches, charges and viewpoints.

Now, Walker's opinions may be strong, dogmatic, even debatable, but as an American citizen, he has every right to whatever political philosophy he wants and every right to voice it. His views, like those of many millions of people in this country, may not be shared by a majority of citizens—but that does not make them insane.

Yet, it was Walker's record and an erroneous news report that helped put him in a mental hospital where his sanity was challenged by the Government without a qualified psychiatrist even having spoken for him.

Walker's tussle with Big Brother started when the Federal Government ordered the University of Mississippi to admit the first Negro, James Meredith, to the school in 1962.

At first, Walker protested the move but made it clear that he wouldn't go to Oxford campus unless Federal troops were ordered in.

"I repeatedly stated that on radio and TV and in the newspapers," Walker told SAGA. "After all, you can put any kid—black or white—in any school with 50 men and having troops on the campus is, in my opinion, unconstitutional."

But President Kennedy called up the National Guard and Walker went to Oxford as he had promised.

A riot developed on September 30th and two people were killed as well as scores injured in the fighting. During the melee, Associated Press reported that Walker had "assumed command" of the rioters and that he "led a charge of students against" Federal marshals protecting Meredith.

The next day, Walker was arrested and charged with insurrection, seditious conspiracy to impede and injure officers of the United States and assaulting, resisting and impeding officers. Later that same day, a Federal court, upon request of the Justice Department, ordered Walker to be held for psychiatric examination.

According to one of his lawyers at the time, Clyde J. Watts, the Federal court had no jurisdiction in ordering Walker to be committed and that he was held against his will as well as having been denied his right to make bond.

Watts added that the court had found Walker was so mentally incompetent as to be unable to understand the proceedings against him or properly assist in his own defense.

And the decision to challenge Walker's mental stability *was reached without a qualified psychiatrist examining, asking questions or even talking to Walker.*

"I never talked to a doctor before they sent me to the mental hospital," he said.

Instead, the order to commit him was granted on the basis of an affidavit from Dr. Charles E. Smith, the chief psychiatrist of the Federal Prison Bureau who said he based his findings on Walker's medical history that included, it was assumed, his Army records, news accounts of his actions in the riot, and his appearance before the subcommittee when he testified to the speech-tampering charge.

Dr. Smith was quoted as saying that some of the "reported behavior reflects sensitivity and seemingly bizarre outbursts of the type often observed in individuals suffering with paranoid mental disorders."

On the basis of this "long-distance" diagnosis, Walker was flown to the psycho ward of the Federal Prison in Springfield, Mo., where he spent five days until his attorneys could obtain his release.

During that time, many people protested the Government's treatment of Walker and another one of his lawyers, Robert Morris (a one-time council to the Senate Internal Security subcommittee and a former judge), called his client "the United States' first political prisoner.

"One would think we're in Havana or Budapest from the way General Walker has been treated," he added.

"I've never seen anything like this—violating due process and the Bill of Rights."

Morris had also said that Dr. Smith should be discharged.

"For Dr. Smith to conclude on the basis, as he puts it, of news reports that General Walker's mentally disturbed and paranoid is most unprofessional behavior and one more shred of evidence that General Walker is being lynched."

On advice of his attorneys, Walker refused to talk to any of the psychiatrists at the hospital. "I just gave them my name, rank and serial number, like any prisoner of war," he said.

Finally, on October 6th, Walker was freed on $50,000 bond after he agreed to report to the Southwest Medical Center in Dallas, for a psychiatric examination to be conducted by Dr. Robert Stubblefield of the center and a psychiatrist to be named by the Government.

The subsequent examination proved Walker to be mentally sound and it was ruled that he was competent to stand trial.

However, those charges were dismissed after a Federal grand jury adjourned without indicting him, but Walker wasn't finished with the incident. He sued Associated Press for the story which was instrumental in having him committed because he claimed the report had made "false statements" and that AP's "suppression of the truth was motivated by malice and a desire to hurt and harm him in his reputation and blacken his good name."

But Walker didn't blame AP alone and he said the wire service acted in collusion with the Government.

"President Kennedy committed some 23,000 troops to Oxford," he explained, "and he had planned a world premiere to show the Government's position. It was also intended, I believe, to insure no opposition to that position ever after.

"Because of his tremendous commitment, he was in a ridiculous position and only violence would have saved his neck—and the violence that did come was too minor.

"The Government had to have opposition which they had to build at any price, even to alleging a crime and questioning sanity to hold up the allegation.

"There was another wire service report from United Press International which told the truth about my activities in Oxford, but Dr. Smith said he had never seen that news report.

"In fact, when he was asked if he would have seen it, would it have made any difference in his diagnosis and he said, 'No, I don't think it would have.'

"So AP, no doubt, played the game with the administration to save JFK's neck.

"I believe that there are many people like me in Springfield hospital and a check there would probably turn up other 'political prisoners.' "

Walker won judgments against AP in both Texas and Louisiana, but those decisions were later overturned by the U.S. Supreme Court because it felt that public figures, people who are in the news but don't hold public office, can be subjected to derogatory criticism even when based on false statements.

So because he was well-known and considered a public figure, Walker lost his lawsuits, but by the same reasoning, his reputation is what probably saved him from an extended stay in the mental hospital. He was too well-known and there was too much public outcry to keep him sealed up in some lonely room.

But what about the man who doesn't have a national reputation, the individual who doesn't have the money or power to fight back as Walker did? These people are also victims of Big Brother's weapon.

"The case of Charles F. Olson is typical of a whole series of cases which happen almost on a daily basis in the Federal Government, especially in areas where conscientious Federal Employees discover waste of Government money through 'contracting out' of services and goods," John F. Griner, President of the American Federation of Government Employees, recently told a House subcommittee.

"An employee of the U.S. Army's ammunition procurement and supply agency in Joliet, Ill., Mr. Olson touched a sensitive nerve in the Defense Department by questioning the costs of defense contracts.

"So far as one can establish, his superiors were nervous about Congressional probes of waste, inefficiency and potential fraud in the Pentagon's multibillion dollar spending programs.

"Advised not to scrutinize these contracts so closely in the future, he did not 'go along' and suddenly, in November 1966, he was dismissed on charges of being 'absent without leave.' "

Griner added that Olson fought the dismissal and after long hearings before the Civil Service Commission, he was vindicated and reinstated.

"But the Defense Department now wielded its most dreaded instrument of punishment and reprisal," Griner testified. "It charged him with mental instability.

"Sent to a Government-paid psychiatrist, he was questioned only a half-hour and was promptly found to be a 'chronic paranoid.'

"Apprised of this 'rush job,' Senator Ervin wrote the Civil Service Commission Chairman, John W. Macy, Jr., observing that 'the speed with which Mr. Olson's agency attempted to obtain a psychiatric disability retirement—after the Civil Service Commission *restored* him to his position—suggests the Commission inspectors might look into the management problems in this office.' "

And what did Olson do that was so terrible to cause him so much trouble?

He merely saved the Army, and the taxpayers, some $250,000 by having a defense contractor make some improvements that would speed up the manufacturer's deliveries to Vietnam.

But by doing so, he apparently stepped on some bureaucratic toes and when he wouldn't let up, he got the reputation of being a "troublemaker." Also, after his reinstatement, he claimed he was threatened with bodily harm and had been returned to a job without any work to do as well as being railroaded by the mental-instability charge.

Eventually, after several prominent senators were notified of Olson's problems and began helping him, the stigma of the "chronic paranoid" was removed by the Commission's Board of Appeals and Review, but by that time, Olson had gone deeply into debt and was having trouble meeting normal financial obligations.

Last November, Olson received an official apology from the Army and was ordered placed in the same position at his former post or its equivalent. Officials also requested him to write a paper designating those who had threatened him and why and to propose procedures for getting rid of the clique.

So for doing his job, Charles Olson went through hell, and he is only one of many people who have been abused, institutionalized, or frightened into playing the game lest they be branded "psycho." And many times, a petty, tyrannical supervisor can destroy a subordinate, or make him cower in fear, by holding the psychiatric examination over his head, and for no other reason than to assert his power.

Another case in which Senator Ervin, Chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, was involved was one where the victim, a woman secretary, was carted out of the Department of Agriculture and forcibly taken to St. Elizabeth's Hospital, a mental institution in Washington.

"That was a Miss Jones," the Senator said. "She was one of my constituents and they took her out to the hospital and nobody learned anything about it for over a week.

"That is another field that we need to look into in the Federal Government. They have a habit, which my subcommittee has corrected several times as a result of individual protests, of ordering psychiatric examinations where there is some incompatibility between a supervisor and an employee.

"This results in a forced retirement on psychiatric grounds, as they tried to do in that case. Miss Jones is a perfectly rational person."

Other abuses include that of a woman who was an expert in Supply Procurement and had received numerous awards for outstanding performances in her job. She became ensnarled in a personality clash with new people brought in through a reorganization and on the pretense of a medical exam, she was sent out on what turned out to be a psychiatric interview.

She later received a notice that she was being retired and she requested another interview with the same psychiatrist.

His conclusions were far different from the ones he had had the first time and after clearing her he also told the Civil Service Commission that he would decline to diagnose any other cases on a one-time visit basis.

As these abuses continue to mount, filling file drawer after file drawer, and as Congress is beginning to investigate these charges, many influential people are finally starting to take action.

Marcia MacNaughton, a professional staff member of Ervin's subcommittee, said that the American Psychiatric Association is now studying the problem—looking into its members' actions as publicized by recent Congressional inquiries. Also, Senator Ervin will again propose a bill to protect the constitutional rights of Federal employees. (Last year the same bill failed to pass before Congress adjourned and Senator Ervin intends to re-introduce it in the 91st Congress.)

However, even if the bill is passed and signed into law, the threat of psycho-ward lock-up will continue to be held over everyone's head and only a public outcry against this injustice will make matters better.

Until the entire nation stops fearing the psychiatrist and starts demanding legal protection of all people, the tentacles of the insane-asylum will reach out, ready to grab at anyone—including you.

John Griner of the AFGE, summed it up perfectly when he said: "History has shown that the freedom of the people as a whole is highly vulnerable in the societies and in those situations where the individual liberty and professional freedom-of-conscience of the nation's civil service has already been undermined or destroyed.

"The lessons of modern industrial dictatorships, such as fascism, Nazism and Communism, reveal that the attack on the freedom of the people as a whole succeeded only after the earlier erosion of the freedom and professional status of the national civil service system.

"Thus, it is clear that ultimately the freedom of every American citizen, even of those who are not now and may never be Federal employees, may well be affected by the manner in which Congress enables Federal employees to obtain effective protection for their constitutional rights."

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Acting Director, Bureau of the Budget, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (with accompanying documents); to the Committee on Agriculture and Forestry.

REPORT OF THE ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, transmitting, pursuant to law, the 24th Report of the U.S. Advisory Commission on Information, dated May 19, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for savings if the Government follows the practice of many private businesses and consolidates its small freight shipments, Department of Defense, General Services Administration, dated June 30, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED VOTING RIGHTS ACT AMENDMENTS OF 1969

A letter from the Attorney General of the United States, transmitting, pursuant to law, a draft of proposed legislation to amend the Voting Rights Act of 1965, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN CORPORATION

A letter from the Counsel, Pacific Tropical Botanical Garden Corporation, transmitting, pursuant to law, a report of audit for the Corporation for the calendar year ended December 31, 1968 (with an appropriate report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Acting Director, Bureau of the Budget, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (with accompanying documents); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO REVISE THE PRESENT SYSTEM OF ADMINISTERING FEDERAL GRANTS

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Federal Government's preeminence in the income tax field has led to a greater need for unrestrictive sharing of such revenue with state and local governments by means other than its complex system of categorical grants-in-aid; and

"Whereas, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

"Whereas, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

"Whereas, unless the trend toward restrictive categoric federal grants is reversed, these grants will so entwine themselves that the state's freedom of movement will be significantly inhibited; and

"Whereas, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

"Resolved: That We, your Memorialists, most sincerely recommend and urge the Congress of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants-in-aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax-sharing programs or block grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

"Resolved: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State.

"In Senate Chambers, read and adopted, June 12, 1969.

"Sent down for concurrence, ordered sent forthwith:

"JERROLD B. SPEERS,
"Secretary.

"House of Representatives, read and adopted, June 13, 1969.

"In concurrence:

"BERTHA W. JOHNSON,
Clerk.

"Attest:

"JOSEPH T. EDGAR,
"Secretary of State."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A SUBSTANTIAL INCREASE IN SOCIAL SECURITY PAYMENTS TO ELDERLY PERSONS

"Whereas, According to the June 10, 1969 edition of the Wall Street Journal, the National Administration has decided to put restraints on Social Security payments by endorsing only a seven per cent rise in Social Security outlays next year, compared to the ten per cent recommended by the prior Administration; and

"Whereas, The Secretary of Health, Education and Welfare, Mr. Finch, is quoted therein as saying: 'I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold spending at the top level'; and

"Whereas, Current runaway inflation exerts a most severe impact on the elderly, who are forced to struggle on fixed incomes; and

"Whereas, Every humane impulse and appeal to reason dictates that all possible assistance be given our aging citizens; and

"Whereas, The comfort and health of the aged should not be sacrificed to the expansion of programs for young children, but both should receive necessary and equal priority attention; now, therefore be it

"Resolved, That the Massachusetts Senate opposes any such elderly versus young collision course at the federal level; and be it further

"Resolved, That the Massachusetts Senate favors a rise in Social Security outlays much in excess of the reported seven per cent; and be it further

"Resolved, That copies of these resolutions be sent to the President of the United States, the Secretary of the U.S. Department of Health, Education and Welfare and to the

members of the Congress from the Commonwealth.

"Senate, adopted, June 19, 1969.

"NORMAN L. PIDGEON,
"*Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

A concurrent resolution of the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 173

"Whereas, The Congress of the United States has under consideration several proposed plans which would limit the exempt status for income tax purposes of interest paid on bonds issued by state and local governments; and

"Whereas, Among those suggestions under consideration by the Congress are proposals which would (1) include interest paid on state and local bonds in the base income for a proposed minimum income tax, (2) require allocation of deductions between taxable income and income from interest paid on state and local government bonds, (3) include interest paid on state and local bonds among income which would have tax preference limitations, and (4) provide a guaranty subsidy in exchange for the surrender of all or part of such traditional tax exemption; and

"Whereas, It has long been considered unconstitutional for the Federal government to tax a state or local government; and

"Whereas, Any of the foregoing plans or any other plan which would directly or indirectly tax interest paid on state or local government bonds would be an impairment of such constitutional immunity; and

"Whereas, Any limitation on tax exemption of interest paid on state and local bonds would result in higher interest rates to be paid by state and local governments in their borrowing; and

"Whereas, Any increase in cost of borrowing is paid directly by the taxpayers of the community borrowing or by the users of publicly owned facilities; and

"Whereas, Any limitation on tax exemption of interest paid on state and local bonds would limit the market for such bonds; and

"Whereas, Any limitation of the market in which state and local bonds are sold would handicap state and local governments in providing funds for urgently needed public improvements; now, therefore, be it

"Resolved by the House of Representatives of the 61st Legislature, the Senate concurring, That the Texas Legislature by this Resolution expresses its opposition to any plan by the Congress of the United States that would in any way limit the tax exempt status of interest paid on bonds issued by state or local governments; and, be it further

"Resolved, That upon adoption of this Resolution, the Secretary of State is requested to deliver forthwith copies of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and each member of Congress from the State of Texas.

"BEN BARNES,
"*Lieutenant Governor.*

"——— ———,
"*Speaker of the House.*

"I hereby certify that H.C.R. No. 173 was adopted by the House on May 30, 1969.

"DOROTHY HALLMAN,
"*Chief Clerk of the House.*

"I hereby certify that H.C.R. No. 173 was adopted by the Senate on May 30, 1969.

"CHARLES SCHNABEL,
"*Secretary of the Senate.*

"Approved: June 18, 1969.

"PRESTON SMITH,
"*Governor.*"

A letter, in the nature of a petition, from John W. Oliver, of Irwin, Pa., praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the Monterey County, Calif., Board of Education, urging support of title II of the Elementary and Secondary Education Act; to the Committee on Finance.

A resolution adopted by the Greene County, N.Y., County Legislature, remonstrating against the inclusion of municipal bonds within the present tax reform proposal; to the Committee on Finance.

A resolution adopted by the 72d annual convention of the American Federation of Musicians of the United States and Canada, AFL–CIO, praying for the enactment of legislation relating to general revision of the copyright laws; to the Committee on the Judiciary.

A resolution adopted by the Rotary Club of Plant City, Fla., praying for the enactment of legislation relating to implementing prompt and aggressive prosecution and punishment of all persons guilty of violation of the laws of the United States and the several States of the United States or any political subdivision thereof; to the Committee on the Judiciary.

EXCUTIVE REPORTS OF A COMMITTEE

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

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

Harry P. Mahin, and sundry other officers, for temporary promotion in the United States Navy;

Gen. Howell M. Estes, Jr. (major general, Regular Air Force), U.S. Air Force, and Gen. Raymond J. Reeves (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general; and

Lt. Gen. Keith C. Compton (major general, Regular Air Force), U.S. Air Force; Lt. Gen. Stanley J. Donovan (major general, Regular Air Force), U.S. Air Force; Lt. Gen. Robert A. Breitweiser (major general, Regular Air Force), U.S. Air Force; and Lt. Gen. Charles H. Terhune, Jr. (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of lieutenants general.

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I also report favorably sundry nominations in the Air Force. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Donald D. Adams, and sundry other officers, for promotion in the Regular Air Force.

BILLS INTRODUCED

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

By Mr. CRANSTON:

S. 2506. A bill to reduce the number of semester hours that a veteran must carry at an institutional undergraduate course offered by a college or university in order to qualify for full-time benefits under chapter 34 of title 38, United States Code (to the Committee on Labor and Public Welfare.

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

By Mr. DIRKSEN:

S. 2507. A bill to amend the Voting Rights Act of 1965, and for other purposes; to the Committee on the Judiciary (by unanimous consent).

(The remarks of Mr. DIRKSEN when he introduced the bill appear earlier under the appropriate heading.)

By Mr. CRANSTON:

S. 2508. A bill for the relief of Antonio Reno Tessuti; and

S. 2509. A bill for the relief of Santina Lena Pinasco; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2510. A bill to amend the Internal Revenue Code of 1954 to establish the fair market price in connection with certain sales of articles subject to excise tax; to the Committee on Finance.

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

By Mr. YOUNG of North Dakota:

S. 2511. A bill to extend the provisions of section 403(b) of the Internal Revenue Code of 1954 to employees of public hospitals; to the Committee on Finance.

By Mr. TYDINGS:

S. 2512. A bill for the relief of Gerasimos Antzoulatos; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 2513. A bill to provide for the mailing of absentee voting matter free of postage; to the Committee on Post Office and Civil Service.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2514. A bill for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2515. A bill to amend the Social Security Act to provide that certain payments made by the Tribal Council of the Confederated Salish and Kootenai Tribes not be regarded as income or resources for purposes of determining need for aid or assistance under certain public assistance programs; to the Committee on Finance.

By Mr. DIRKSEN (for Mr. MURPHY):

S. 2516. A bill to terminate Naval Petroleum Reserve No. 1, to establish certain submerged lands under the Santa Barbara Channel as Naval Petroleum Reserve No. 5, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2517. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. HARTKE (for himself, Mr. ALLEN, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. DOMINICK, Mr. EAGLETON, Mr. EASTLAND, Mr. FANNIN, Mr. FULBRIGHT, Mr. GORE, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER, Mr. MOSS, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, Mr. SCHWEIKER, Mrs. SMITH, Mr. STEVENS, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, Mr. YOUNG of Ohio, and Mr. MONDALE):

S. 2518. A bill to amend title II of the

Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disablity insurance benefits thereunder; to the Commttee on Finance.

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

S. 2506—INTRODUCTION OF A BILL REGARDING THE VETERANS EDUCATIONAL PROGRAM

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to amend chapter 34 of title 38, United States Code, regarding the veterans educational program. This bill would lower from 14 to 12 the minimum number of semester hours required for an eligible veteran to be considered to be enrolled in a full-time course of undergraduate higher education for purposes of receiving a full-time educational assistance allowance.

The existing statutory requirement is that such an eligible veteran must be taking a minimum of 14 semester hours or its equivalent in order to qualify for a full-time allowance while enrolled in an undergraduate college or university course. This requirement is a carryover from the World War II GI bill. As far as I can determine, it was not specifically reconsidered when it was enacted as part of the Korean conflict and the cold war GI bills.

Given the marked changes in our educational system over the last two decades, it is not surprising to learn that the 14-semester-hour minimum requirement no longer appears to comport with the structuring of undergraduate courses of instruction at many colleges and universities.

I have particular reference to the community college, State college, and university system in the State of California, where I am advised a student is considered to be in full-time attendance when he is enrolled for 12 or more semester hours.

Certainly, we should not continue to apply 20-year-old standards if they are no longer reasonably reflective of the situation confronting a veteran pursuing a higher education.

It is our obligation to review continually the full system of veterans benefits and services in order to insure its appropriateness and timeliness. Only in that way can the Nation's obligations to its veterans be discharged in a meaningful and socially productive way.

Although the present minimum requirement does indeed appear to be obsolete in terms of the California higher education system, I wish to make clear that I do not yet know whether the same is true on a nationwide basis—although there are indications that it is indeed a national problem. I am reserving judgment on that question until we hold hearings before the Veterans Affairs Subcommittee. I plan to call such hearings in the near future.

My main purpose in introducing this measure at this point, therefore, is to focus attention upon this question in an official congressional context in order to determine whether or not a 14-semester-hour requirement continues to be the appropriate definition of a full-time course of study in today's system of higher education.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2506) to reduce the number of semester hours that a veteran must carry at an institutional undergraduate course offered by a college or university in order to qualify for full-time benefits under chapter 34 of title 38, United States Code, introduced by Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2510—INTRODUCTION OF A BILL TO ESTABLISH THE FAIR MARKET PRICE IN CONNECTION WITH CERTAIN SALES OF ARTICLES SUBJECT TO EXCISE TAX

Mr. BENNETT. Mr. President, I am today introducing a bill to amend the constructive price provisions of the excise tax law to clarify the application of section 4216(b)(1)(C) in the case where a manufacturer, producer, or importer sells to a related sales corporation which, in turn, sells to one or more retailers in arm's-length transactions.

This matter has been discussed at considerable length with the Internal Revenue Service over the past year. Although I am advised by the staff of the Joint Committee on Internal Revenue Taxation and the staff of the Senate Finance Committee that the congressional intent is clear, it is my understanding the Internal Revenue Service, nevertheless, is unwilling to give effect to this intent without further legislation.

Present law—section 4216(b)—provides for a constructive sales price, as distinct from the actual sales price, as the base for the various ad valorem manufacturers' excise taxes in four different cases, one of which is where the article is sold at less than fair market price if the transaction is not at arm's length. A sale between related companies is per se "not at arm's length" for purposes of section 4216(b)(1)(C). Consequently, the Service in the case of sales to a selling affiliate of the manufacturer or importer must frequently determine whether such a sale is at "less than fair market price" and, if so, it must ascertain an appropriate constructive price.

So the manufacturers' excise taxes may be imposed as nearly as possible on a uniform basis, Congress since the Revenue Act of 1932 has provided that the determination of "fair market price" in such a situation should be made, if industry data are available, with reference to the prices for which others in the same industry at the same level of distribution sell similar articles rather than by looking to the prices at a different level of distribution at which the related selling company sells to independent retailers.

Despite this obvious language of the statute and its legislative history, the National Office of the Internal Revenue Service has recently taken the position that it will not look to selling practices and prices of others in an industry in determining whether a sale between related parties is at less than fair market price. Instead, it insists upon applying an arbitrary rule that any intercompany price which is less than 90 percent of the price at which the affiliated sales corporation sells outside the corporate family is automatically below fair market price. This arbitrary rule appears to be applied even though the industry facts are not in dispute and are directly contrary to the IRS determination.

The bill I am introducing makes it clear that "fair market price" for purposes of section 4216(b)(1)(C) shall be measured with reference to the prices at which comparable articles are sold in the ordinary course of trade or business by others in the same industry at the same level of distribution.

The specific problem with which the bill deals is the case of an industry where the normal practice is for the manufacturer or importer to sell to independent wholesale distributors, but one or more members of the industry depart from the normal practice and use an affiliated sales corporation to handle the wholesale distributor's function.

Under such circumstances, instead of applying its arbitrary 90-percent rule, IRS will be required to determine whether the sale by the manufacturer or importer to the related sales company is below fair market price by comparing the normal industry markup between wholesale distributors and retailers with the markup realized by the related sales corporation on its sales to retailers.

Furthermore, in those cases where industry data are available, if this comparison indicates that sales are being made between affiliated companies at less than fair market price, it would be anticipated that the Commissioner's constructive price determination under section 4216(b) would utilize the normal markup experience in the particular industry, rather than his present arbitrary 90-percent rule.

The amendments, since they are clarifying in nature, are made applicable to articles sold after December 31, 1963. I have selected this date because I understand the first quarter of 1964 is the first excise tax period in which the Service is insisting upon applying its arbitrary rule of thumb despite industry proof to the contrary.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2510) to amend the Internal Revenue Code of 1954 to establish the fair market price in connection with certain sales of articles subject to excise tax, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Finance.

S. 2518—INTRODUCTION OF A BILL TO LIBERALIZE PROVISIONS OF DISABILITY INSURANCE LAW FOR BLIND PERSONS

Mr. HARTKE. Mr. President, since becoming a Member of the U.S. Senate, I have introduced many measures to aid blind people in their valiant struggle to

achieve a normal life, and no actions I have taken since becoming a Member of this distinguished body have given me greater satisfaction than knowing that some of my measures are now Federal law, and beneficially affecting the lives of our sightless fellow citizens.

Mr. President, today I am again introducing a bill to liberalize the provisions of the Federal disability insurance law for blind persons.

The two proposals contained in my measure are identical to two of the three proposals of S. 1681, which I introduced in the 90th Congress in association with the cosponsorship of a majority of my colleagues.

S. 1681 was approved by the Senate Committee on Finance when that committee was considering the then pending social security amending bill. When conferees met on H.R. 12080, in the fall of 1967, they adopted one provision of S. 1681, establishing the generally accepted definition of blindness—20–200, and so forth—as the standard for visual loss under the disability insurance program.

Now, Mr. President, today, I am introducing the two remaining provisions of S. 1681, with the hope that this Congress will transform them into Federal law.

In summary, this bill would:

First, reduce from 20 of the last 40 to 6 anytime earned the number of quarters, a blind person must be employed in social security-covered work to qualify for disability benefit payments.

Under existing law, a disabled applicant must work for 5 of the last 10 years in social security-covered work to be eligible for disability payments.

Second, the "earnings" test in disability insurance would be entirely eliminated for blind persons applying for or receiving disability insurance payments.

Under existing law, any appreciable earnings—$140 monthly—disqualifies disabled persons from receiving or continuing to receive disability insurance payments.

For a more detailed consideration of my bill, Mr. President, for a fuller exposition of the issues this bill raises and the arguments in support of its proposals, I ask unanimous consent to print in the RECORD at the conclusion of my remarks the text of the bill, followed by an explanatory fact sheet.

Let me add here one final point of legislative history and prospect. This eminently worthy measure was approved by the Senate in three previous sessions but was lost in conference committee owing to insufficient support in the House of Representatives. This year, however, thanks to extraordinary efforts on the part of my good friend John Nagle, chief of the Washington office of the National Federation of the Blind, no fewer than 131 identical bills have been introduced in the other body, including 10 by members of the Committee on Ways and Means.

I believe, therefore, Mr. President, that the many supporters in this Chamber of improved disability insurance for the blind can look forward with real confidence to a successful conclusion to this long struggle on behalf of our sightless fellow citizens.

I ask unanimous consent that the text of the bill and an explanatory fact sheet 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 the fact sheet will be printed in the RECORD.

The bill (S. 2518) to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder, introduced by Mr. HARTKE, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 222(b)(1) of the Social Security Act is amended by inserting "(other than such an individual whose disability is blindness, as defined in section 216(i)(1)(B))" after "an individual entitled to disability insurance benefits".

(b) Section 223(a)(1) of such Act is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) in the case of any individual other than an individual whose disability is blindness (as defined in section 216 (i)(1)(B)), has not attained the age of 65,"; and

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)(B)), the month in which he attains age 65".

(c) That part of section 223(a)(2) of such Act which precedes subparagraph (a) thereof is amended by inserting immediately after "(if a man)" the following: ", and, in the case of any individual whose disability is blindness (as defined in section 216(i)(1)(B)), as though he were a fully insured individual,".

(d) Section 223 (c)(1) of such Act is amended—

(1) by inserting "(other than an individual whose disability is blindness, as defined in section 216 (i)(1)(B))," after "An individual"; and

(2) by adding at the end thereof (after the sentence following subparagraph (B)) the following new sentence: "An individual whose disability is blindness (as defined in section 216 (i)(1)(B)) shall be insured for disability insurance benefits in any month if he had not less than six quarters of coverage before the quarter in which such month occurs."

(e) Section 223 (d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216 (i)(1)(B))."

(f) The second sentence of section 223 (d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216 (i)(1)(B))" immediately after "individual".

SEC. 2. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted, on the basis of applications for such benefits filed after the date of enactment of this Act.

The fact sheet, presented by Mr. HARTKE, is as follows:

FACT SHEET: IMPROVED DISABILITY INSURANCE FOR THE BLIND

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

HISTORY

Offered in 88th Congress by Senator Humphrey as floor amendment to H.R. 11865 (Social Security bill); adopted by voice vote without a dissent, lost when Social Security Conference ended in deadlock.

Offered in 89th Congress by Senator Hartke, as S. 1787; 41 cosponsors; adopted as floor amendment to H.R. 6675 by 78 to 11 roll call vote.

Offered in 90th Congress by Senator Hartke, as S. 1681; 57 cosponsors, including nine of the 17-member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 1280; one provision approved in House-Senate Conference, making the generally accepted definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program.

PROVISIONS

Allows qualification for disability benefits under the above definition if the blind person has worked six quarters in Social Security-covered work, rather than twenty of the last forty quarters as presently required to be eligible, as in all other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $140 a month as provided in existing law.

WHAT CHANGES WOULD DO

The Disability Insurance for the Blind bill would transform the Disability Insurance Program providing only subsistence income to longtime employed but presently unemployable blind persons into a system providing short-term employed blind persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-directed economy and society.

WHY CHANGES NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration, because they are blind—to these people the requirement of employment for a year and a half in Social Security-covered work, instead of the five of the last ten year requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are qualified by talent and training for work, when they are skilled and able to operate successfully with blindness, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security-covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability insurance payments is greatest in a workingman's life.

This bill recognizes that a person who tries to function, sightless, in our sight-structured world, functions as a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

Sighted family members and friends may be helpful, when the inclination moves them to be helpful, but the blind vending stand operator, the blind lawyer or teacher, the blind piano tuner, even the blind housewife

soon discovers that sight which is hired is more reliably available than sight which is given from kindness.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which has sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespective of his earnings, this bill would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

REFERRAL OF THE VOTING RIGHTS ACT AMENDMENTS OF 1969 TO THE COMMITTEE ON THE JUDICIARY

Mr. DIRKSEN. Mr. President, earlier today I introduced the Voting Rights Act Amendments of 1969. That is a good title. It contains a number of provisions.

I ask unanimous consent, since the Committee on the Judiciary handled the proposal, that the measure be referred to the Senate Committee on the Judiciary.

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

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 15

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 15) to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas.

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

S. 897

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 897) authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo., and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor.

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

S. 2360

Mr. MATHIAS. Mr. President, at the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that at its next printing, the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of the bill (S. 2360) which proposes to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

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

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Minnesota (Mr. MONDALE), the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. JAVITS) and the Senator from Missouri (Mr. EAGLETON) be added as consponsors of 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.

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

S.J. RES. 85

Mr. MATHIAS. Mr. President, at the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that at its next printing the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the resolution Senate Joint Resolution 85 providing for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

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

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 30, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 122) to provide for a temporary extention of the authority conferred by the Export Control Act of 1949.

ESTABLISHMENT OF CAPITOL REEF NATIONAL PARK, UTAH—AMENDMENT

AMENDMENT NO. 55

Mr. MOSS submitted an amendment, intended to be proposed by him to amendment No. 17, intended to be proposed by him, to the bill (S. 531) to establish the Capitol Reef National Park in the State of Utah, which was referred to the Committee on Interior and Insular affairs and ordered to be printed.

EXTENSION OF ECONOMIC OPPORTUNITY ACT—AMENDMENT

AMENDMENT NO. 56

Mr. NELSON. Mr. President, I am today submitting an amendment intended to be proposed by me, to the Economic Opportunity Amendments of 1969—S. 1809—the bill which I introduced on April 15 to extend the Economic Opportunity Act. This amendment is designed to assure that the facilities and equipment which have been used by the Job Corps at centers for rehabilitating and training deprived youth will be put to further good use in the future by making these facilities and equipment available for use in carrying out such suitable purposes as youth programs and educational programs by State agencies, educational agencies, and other governmental, and private agencies.

Many of these facilities were built or substantially improved by the Job Corps and many are on land owned by the Federal Government, for example, on Forest Service land.

My amendment does not propose the transfer of title or the sale of any Government land or property. All it does is to assure that the facilities and the equipment are made available for use by agencies which have the programs and the resources to carry out youth and vocational training programs.

Many pieces of valuable equipment have been placed in these facilities by the Job Corps. For example, in my own State, the Job Corps camp at Clam Lake, Wis., has almost $1 million worth of buildings and equipment. In this camp, and the other camps as well, the buildings and equipment should be kept intact for use in public service programs.

I am concerned about reports that pieces of equipment at the various Job Corps centers are about to be taken out and sold off. To break up the camps and sell off the buildings and equipment would be a tragic waste. I urgently request the administration to delay disposing of the equipment until other agencies have been offered the opportunity of using the centers—with buildings and equipment intact.

I ask unanimous consent to have the amendment printed in the RECORD following my remarks, as well as a paper entitled "Ownership and Disposition of Job Corps Centers Scheduled To Be Closed," prepared for the Subcommittee on Employment, Manpower, and Poverty, of which I am chairman.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and paper will be printed in the RECORD.

The amendment (No. 56) was referred to the Committee on Labor and Public Welfare, as follows:

On page 8, following line 8, add the following new section:

"USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

"Sec. 10. (a) The Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations which have satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, such as—

"(1) special remedial programs;

"(2) summer youth programs;

"(3) exemplary vocational preparation and training programs;

"(4) cultural enrichment programs, including music, the arts and the humanities; and

"(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational education programs.

"(b) In carrying out this section, the Director of the Office of Economic Opportunity shall consult with and, to the extent appropriate, utilize the services of the General Service Administration, the Department of Agriculture, the Department of the Interior, and the Department of Labor."

The paper presented by Mr. NELSON is as follows:

OWNERSHIP AND DISPOSITION OF JOB CORPS CENTERS SCHEDULED TO BE CLOSED

Ownership of the land, facilities and personal property, and the alternative means of disposition vary with the different types of centers.

CIVILIAN CONSERVATION CENTERS

The land on which most Civilian Conservation Centers are situated is owned by the U.S. Department of Agriculture or the U.S. Department of the Interior. The facilities and personal property, with some exceptions, are owned by the Job Corps.

In disposing of personal property, the Job Corps will be required to follow the procedures of the Federal Property and Management Act. Initially, the remaining Civilian Conservation Centers would have first opportunity to acquire the property to be disposed of. Then, the remaining Men's Centers and Women's Urban Centers would have opportunities to pick up the property. Other Office of Economic Opportunity units, such as VISTA, CAP, etc., would be next in line. Any personal property not picked up within OEO would then be turned over to GSA, which would attempt to dispose of it through general circulation.

All facilities in Civilian Conservation Centers are the property of the Job Corps with the exception of a small number that are state owned. The disposition procedure to be followed with regard to the Job Corps facilities would be to return them to the agency that owns the land on which they are located. This poses several problems. Facilities on state-owned land would presumably be accepted by the states. Those on USDA and Interior land, however, may or may not be accepted. Interior and USDA might refuse to accept them because it would then become incumbent upon them to provide maintenance and security, which requires a minimum of five people per center. Also, it may very well be that the agencies' appropriation authorization will not permit them to expend funds for this purpose. Refusal cannot extend beyond the remainder of this fiscal year and the next fiscal year, however. During that period the Job Corps would be responsible for maintenance and security.

Last year, several centers and their facilities were returned to USDA and Interior. As an example of the procedure that might be followed: the Department of Interior took over the Iroquois Center located at Medina, New York, and it was converted into a Drug Rehabilitation Center operated by the state of New York. But in turning facilities over to the state, one consideration is that the use of the facilities, if they are located on Government land, are subject to approval of the Departments of Agriculture and Interior. The attached list shows the names of the Civilian Conservation Centers to be closed and the present owners.

MEN'S CENTERS

The land on which the two Men's Centers to be closed are located is owned by the GSA and the Department of Army for Kilmer and Parks, respectively. The Parks Center simply involves turning the property over to GSA and having them attempt to dispose of it through sale. The Kilmer center would be returned to the Department of the Army which reportedly is eager to have its facilities back. Until such time as disposition is actually made, the Job Corps continues to be responsible for security and maintenance. It should be noted that four Men's Centers closed in 1968 are still being maintained by the Job Corps because GSA has not yet disposed of the property. The procedure for disposing of the personal property and facilities is similar to that to be followed by the Civilian Conservation Centers.

WOMEN'S URBAN CENTERS

All of the Women's Urban Centers are operated by non-governmental contractors. Closing these centers would require a notice of termination, which is 90 days, and a review of each contract to determine the terms and conditions governing disposition of the real and personal property.

Personal property would probably revert to the Job Corps and disposed of in accordance with the procedure described above for the Civilian Conservation Centers. But disposition of real property is a clouded issue in connection with some of these centers scheduled for closure. The contracts may call for the real property, which in most cases has been substantially improved by the Job Corps, to revert to the private contractor.

Attached is a listing of the Women's Urban Centers scheduled for closure and their private contractors.

USE OF CLOSED FACILITIES

Every effort will be made to interest the States in assuming responsibility for operation of the facilities scheduled for closure. This was done in 1968, with some small success. Interior's and USDA's use limitations tend to dampen the interest a State might have in these facilities.

In addition to actual State use of at least two facilities as Drug Rehabilitation Centers, other possibilities are: camping sites; summer camps; migratory labor housing; rest homes; sanatoriums; training facilities; and continuation, under State auspices, as a Job Corps-type center.

OWNERSHIP OF CIVILIAN CONSERVATION CENTERS SCHEDULE FOR CLOSURE

U.S. Department of Agriculture

Centers and Landownership

Alder Springs, Calif., Forest Service.
Alpine, Ariz., Forest Service.
Anthony, W. Va., Forest Service.
Blue Jay, Pa., Forest Service.
Cedar Flats, Idaho, Forest Service.
Cispus, Wash., Forest Service.
Clam Lake, Wis., Forest Service.
Clear Creek, Nev., Forest Service.
Dickinson, N. Dak., former Radar site. Use permit from GSA.
Fenner Canyon, Calif., Forest Service.
Five Mile, Calif., Forest Service.
Frenchburg, Ky., Forest Service.
Grants, N. Mex., Forest Service.
Hodgens, Okla., Forest Service.
Hoxey, Mich., Forest Service.
Los Pinos, Calif., Forest Service.
Luna, N. Mex., land purchased from State, OEO has ownership at present.
Lydick Lake, Minn., Forest Service.
Mountainair, N. Mex., Forest Service.
New Waverly, Tex., Forest Service.
Ojibway, Mich., Forest Service.
Pagosa Springs, Colo., Forest Service.
Poplar Bluff, Mo., Forest Service.
Sly Park, Calif., Forest Service.
Vesuvius, Ohio, Forest Service.

Department of the Interior

30 Centers being operated at the present time by the USDI (BR–7, NPS–8, BLM–4, SFW–6, BIA–5).

20 Centers presently listed for closure.

10 Centers presently listed for retention.

Land ownership—Land ownership of the 20 Centers presently listed for closure is somewhat more complicated than for the USDA and is discussed below by Bureau and Centers.

Bureau of Reclamation

Centers and Landownership

Arbuckle, Okla., land owned by the City of Sulphur. Leased to BR at nominal cost.

Casper, Wyoming, old Air Force Base—now belongs to County. Leased to BR at nominal cost.

Toyon, Calif., BR land. Rehab of old BR work camp.

National Park Service

Acadia, Maine, NPS Land.
Catoctin, Maryland, NPS Land.
Cumberland Gap, Ky., NPS Land.
Tremont, Tenn., NPS Land.
Wellfleet, Mass., NPS Land.

Land Management

Castle Valley, Utah, BLM Land.

Kingham, Ariz., County land—leased to BLM at nominal cost.

Mountain Home, Idaho, BLM Land.

Tillamook, Oregon, old Naval Base. BLM has title on portion being used now by Job Corps.

Sport Fisheries and Wildlife

Crab Orchard, Ill., SFW Land.

Malheur, Oregon, SFW Land.

Ottawa, Ohio, State land—leased to SFW at no cost.

Tamarac, Minn., SFW Land.

Indian Affairs

Eight Canyon, N. M., land leased to BIA by Indian tribe. Reverts to tribe 90 days after Job Corps notifies tribe officially of no further Job Corps need. OEO may remove improvements or they will revert to tribe.

Kicking Horse, Mont., same as for Eight Canyon.

San Carlos, Ariz., same as for Eight Canyon.

Winslow, Ariz., old Radar site—use permit from GSA.

SENATE-RELATED CENTERS

Rio Grande—Site located at El Verde in the Luquillo Experimental Forest (Institute of Tropical Forestry, P.O. Box 577, Rio Pedras, Puerto Rico 00928) and made available to the Commonwealth Department of Education by the U.S. Department of Agriculture, Forest Service, under terms of a written cooperative agreement negotiated in December 1965. (Original 10-year Term Special Use Permit for 10 years commencing March 11, 1963).

Construction funded by OEO at a cost of less than $302,500.

Personal property is Government Property and disposition will be in accordance with terms of Grant Agreement B99–GS–4573. (This Center not listed for closure)

Vieques, Guayama, Juana Diaz and Arecibo are located on Commonwealth real estate and improvements were constructed from Commonwealth funds. Personal property is the same at these Centers as Rio Grande. (Arecibo not to be closed)

Koko Head—Three separate facilities: Koko Head Job Corps Civilian Conservation Center in Koko Head National Park. Indenture of Lease, December 1, 1965, with Supplemental Agreement No. 2, to License Agreement, RE–6450, November 30, 1965, between City and County of Honolulu, Oahu and the State of Hawaii.

Kilauea Job Corps Satellite Camp. Special Use Permit No. 14–10–0434–3003, issued by U.S. Department of Interior, Form 10–114, for Hawaii Volcanoes National Park, County of Hawaii, dated January 28, 1966, which expires December 31, 1970.

Kokee Job Corps Satellite Camp in Kokee State Park, Kauai County, Hawaii. Letter of Authorization by Jim Ferry, Chairman, Department of Land and Natural Resources, State of Hawaii, to Milton Fogelman, Contracting Officer, dated November 30, 1965.

Disposition of structures built from Federal funds to be determined by the Contracting Officer in accordance with the provisions of Contract OEO B99–4543.

Personal Property disposal would be determined by the Contracting Officer.

Oak Glen—Located in the San Bernardino National Forest on land which is on a 30 year use permit to the California State Division of Forestry.

Disposition of structures built since use of the site by Job Corps to be determined by the OEO Contracting Officer.

Title remains with the State for personal property (or its replacement in kind) that was included in initial inventory. Other personal property to be disposed of by OEO

Contracting Officer in accordance with terms of Contract OEO B99-4535.

Center and Contractor

St. Louis Job Corps Center for Women, Delta Educational Corporation, Box 2701, Uptown Station, Nashville, Tennessee 37219.

Clinton Job Corps Center for Women, General Learning Corporation, 3 East 54th Street, New York, New York 10022.

Huntington Job Corps Center for Women, Xerox Corporation, Education Division, 600 Madison Avenue, New York, New York 10022.

Omaha Job Corps Center for Women, Burroughs Corporation, Defense, Space & Special Systems, Paoli, Pennsylvania 19301.

Poland Springs Job Corps Center for Women, Ecoonmic Systems Corporation, Blake Building, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

Moses Lake Job Corps Center for Women, Economic Systems Corporation, Blake Building, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

Marquette Job Corps Center for Women, Northern Michigan University, Marquette, Michigan 49855.

ANNOUNCEMENT OF HEARING ON "USEFULNESS OF THE MODEL CITIES PROGRAM TO THE ELDERLY"

Mr. MOSS. Mr. President, at the request of Senator HARRISON A. WILLIAMS, chairman of the Senate Special Committee on Aging, I have conducted several committee hearings on "The Usefulness of the Model Cities Program to the Elderly." Witnesses in Washington, D.C.; Seattle, Wash.; Ogden, Utah; Syracuse, N.Y.; and Atlanta, Ga., have provided excellent testimony on proposals and programs to serve the elderly in model neighborhoods.

Today, I wish to announce that the final field hearing of this study will be conducted in Boston, Mass., at 10 a.m., July 11, in the Roxbury Neighborhood House, 36 Dearborn Street. We will hear from municipal officials, residents of the model neighborhood, and others.

ANNOUNCEMENT OF HEARING: PRIVACY, THE CENSUS, AND FEDERAL QUESTIONNAIRES

Mr. ERVIN. Mr. President, tomorrow morning, the Subcommittee on Constitutional Rights will continue its study of the census, privacy, and Federal questionnaires, with a hearing at 10 a.m. in room 2228 of the New Senate Office Building.

At that time we shall receive testimony from Mr. Lawrence Speiser, of the American Civil Liberties Union and Professor of Sociology Thomas Monohan of Villanova University.

The subcommittee has before it S. 1791, a proposal which I introduced for discussion purposes during these hearings.

This bill represents an attempt to set reasonable standards for the wholesale statistical data collecting conducted by the Census Bureau and other Federal agencies.

There are several major facets of the national inquisitions to which American citizens are subjected in the name of "Government's need-to-know," and complaints show that there is an urgent need for legislation on all facets. There is, first, the broad decennial census conducted by the Census Bureau under criminal penalties of jail and fine; there are the many other censuses to obtain information from various groups of people, also conducted periodically during the year by the Census Bureau under excessive penalties; there are extensive surveys of individuals for personal and other information which the Census Bureau conducts for many other Federal agencies. Most of these are voluntary but, for some reason, officials in these agencies are convinced that they cannot be honest with the citizen. They cannot inform the recipient of these questionnaires of his rights with regard to the form; they believe they cannot inform him of the specific reason his Government needs this information; they cannot inform him who needs it and what precisely will be done with it.

Out of S. 1791 and the testimony and views we have received, it is my hope that we may develop a workable, practical law which will protect the individual's rights and still allow Government to collect certain information it needs to govern.

Probably no issue in recent times has generated so much mail and so many complaints to the Subcommittee on Constitutional Rights and to Members of Congress. Many congressional offices have referred their constituents' complaints to us, or asked for advice based on our study, concerning how to explain these issues to their constituents.

There are, for instance, those scholars who use Government statistics and who fear any legislation will disrupt the flow of data to them; there are the local government officials who have been led to believe that their share of Federal funds will be affected; and there are representatives of minority groups who have received distorted reports of possible detrimental governmental action against their members if the criminal penalties are removed from these questionnaires.

If these people could read some of the letters which the people they represent have sent Congress, they would begin to realize the urgency of the problem. They would have some understanding of the impact on individuals, of the threats, the official intimidation and harrassment to provide personal information about themselves. They would realize that the brunt of these programs is falling on such groups as the poor, the sick, the disabled, the illiterate, and the elderly.

These "planners" seek to persuade Congress to ignore demands from the people that it protect the individual's right to privacy and his right to silence about himself in the fact of an arbitrary Government demand that he speak.

In response to these people, I have answered along the following lines:

Like thousands of other citizens, I do not object so much to the questions asked as to the fact that a person is threatened with jail and a fine for not answering. Scholars and experts in this field have told the subcommittee that no research has been conducted to show that people will not answer these forms voluntarily when the request is reasonable and is explained.

Although I have no experience with professional data gathering, I do profess to some understanding of the meaning of individual privacy and constitutional rights in our society. It was on the basis of this interest and thousands of complaints received by Congress, many of them from North Carolina, that I recently introduced S. 1791 and the subcommittee conducted hearings on Federal questionnaires, privacy, and the census.

If the decennial questionnaire were the only instance of coercion of the citizen to reveal personal data, there would not be such public concern. The truth of the matter is that the decennial census is only one of the many data collecting drives conducted by the Census Bureau under Federal penalties of jail and fine. In addition, on behalf of many other agencies, they daily obtain responses to long questionnaires sent to thousands of people and covering every conceivable subject. While these are voluntary, recipients are not so informed, a psychology which in many cases arouses the ire and the apprehension of the individual and defeats the purpose of the survey. The harassment by census officials to obtain responses to all of these Federal statistical questionnaires amounts to a violation of the citizen's right to silence about his personal life unless the Government's need and purpose is clear.

I believe Americans are a law-abiding people and that they will respond to a legitimate governmental request for statistical information. Currently, there are no effective controls over the number of questions a person is asked, or the subjects, or the methods of compelling compliance. At the same time, we are faced in this decade with a massive proliferation of data collecting programs, the development of sophisticated surveillance techniques, and the wide scale computerization of Government's files on the individual. All of these trends have developed too rapidly to allow for the appropriate consideration of the dignity and privacy of the individual, and of possible alternative techniques for attaining the goals of Government without deceiving or coercing the citizen.

Private citizens from all walks of life, including former Census employees, scholars, law professors, sociologists, psychologists, and countless others have urged Congress to act in this area of the law.

I would hope that those in the different professions who use Government data will be as aware of the human elements involved and as alert to the impact on the individual of their own professional zest for knowledge as they will be eager to demonstrate their own expertise with that knowledge. Future respect for the law and the Constitution rests on the understanding of this by all of those who bear responsibility for planning and managing our economy. They must realize that they neither manage alone nor plan alone, and that their tools and methods must be utilized within those boundaries set by the Constitution, the Bill of Rights, and those values of liberty, freedom, and dignity most cherished by civilized men.

Mr. President, in its hearings in April and May and throughout its investiga-

tion of this problem, the Constitutional Rights Subcommittee has had the benefit of expert advice, and I intend from time to time to place examples of this advice in the RECORD for the benefit of those interested in this subject.

I ask unanimous consent to have printed in the RECORD at this point the text of my remarks when the Constitutional Rights Subcommittee commenced its hearings on April 24, 1969.

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

STATEMENT BY SENATOR SAM J. ERVIN, JR.

The hearings we begin today concern individual privacy, census and other Federal questionnaires, and constitutional rights. The issues we shall consider are based on the realities of individual complaints to Congress about privacy-invading and burdensome questionnaires. These issues touch the problems of the future, when individual privacy and the right to be let alone will be even more meaningful than today, as our great urban society doubles in population, with all the attendant problems of governing. The issues also are bound to the moral, scientific, legal and political problems which are raised by the use of computer technology and the prospects of gigantic data banks.

But our hearings also look back to the constitutional guarantees which support the basic liberties of free men in a free society.

For some years this Subcommittee has investigated unwarranted government invasions of individual privacy of people who work for the federal government as well as many other citizens. We have received complaints of arbitrary prying into personal activities, beliefs and thoughts of applicants and employees, by means of questionnaires, oral interviews, lie detector machines, personality tests, and surveys. We have been concerned about various forms of economic coercion exerted against the individual to guide his outside activities and to obtain personal information from him on pain of losing his chance for employment or promotion. We were concerned not only about violation of their rights under the first amendment but the possible misuse of the information and the lack of confidentiality for such records. In response to these complaints, I introduced a bill with the sponsorship of the majority of this Subcommittee, and, indeed, a majority of the Senate. This was approved as S. 1035 in 1967 by a 79–4 vote but it died in the House. I have introduced it again as S. 782 and it is pending before the Subcommittee.

These hearings deal with these same issues of privacy, due process, and the right to speak and keep silent, as they relate to all Americans, in every walk of life.

Congress has received serious complaints of wholesale government interrogation of citizens about every facet of their lives, their daily activities, their attitudes and beliefs, how they spend their money, and why they behave as they do. Their answers are recorded and analyzed, tabulated and computerized.

This search for information is frequently in a good cause and is sometimes conducted in a reasonable, limited fashion. Yet all too often, Americans are told to disclose this information, not because they have applied for a privilege or benefit, but because they dwell in a society whose civil servants have become captives of the computer.

Our officials have learned that the easier it becomes to use computers to obtain and store information of all kinds about people, the easier it becomes to substitute surveys and "people-studies" for judgment and creative ingenuity in the administration of the laws.

With many of these questionnaires, the full weight of the Federal criminal and civil laws backs the government's demand for statistical information. The decennial census forms, which must be answered by all citizens every 10 years on pain of a $100 fine or imprisonment for 60 days grow longer and more complicated every ten years. In addition to these questions, millions of other people are selected at random in the decennial census to answer more mandatory questions about their household equipment, whether they own a television or radio, their marital history, different aspects of their income, and many other questions.

The Subcommittee has before it a bill, S. 1791, to further secure individual privacy and protect the constitutional right of citizens of the United States to ignore unwarranted governmental requests for personal information.

The first section of this measure makes it unlawful for a Federal official to require any citizen to disclose for statistical purposes any information concerning his personal or financial activities or his personal or real property or those of any member of his family unless that requirement is authorized by a provision of the Constitution and unless the individual is advised the disclosure is mandatory and by which act of Congress it is specifically authorized.

This section in effect deletes the penalties for not answering questions in the decennial census which have nothing to do with the purpose of the census.

The Constitution authorizes an enumeration of persons every ten years for purposes of apportionment and taxation.

Article I, section 2, provides that—

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."

In 1790 a person could be fined $20 for not answering six items. The inquiry called for the name of the head of the family, and the number of persons in each family who were free white males of 16 years and upward, free white males under 16 years; free white females; all other free persons; and slaves.

We have departed far from this constitutional guideline in the conduct of the decennial census. In part, this is due to our increasing reliance on the economist, the sociologist and all the other experts who gain a momentary hold on the programs of our bureaucracy. In their unrestrained zeal to study man and his environment, they must know everything there is to know about him.

But it is time we stopped fooling ourselves that what is going on in these information drives is constitutional under this Article I. It certainly is not under the Amendments in the Bill of Rights. If there is a need for a new definition of constitutional authority, the time to establish it is now, by specific statute directed to the problems of the 20th century.

The second section of S. 1791 deals with all other information surveys. It makes it illegal for Federal officials to *request* a citizen to disclose such personal information for statistical purposes unless the request is specifically authorized by Act of Congress and unless the individual is advised that such disclosure is voluntary and that he is not compelled to comply with such request.

While this bill may be considerably amended, the approach is one I favor. Certainly, a personal questionnaire should be required to meet some statutory standards for protecting the individual's rights.

Senator Thurmond has sponsored S. 1893, a bill somewhat similar to section 1 of S. 1791, to make all questions voluntary except 6 on the decennial form.

This is the proposal sponsored by Congressman Betts and over one hundred and thirty House members. I believe the Congressman and his colleagues working on this subject have performed a valuable service to the American people by highlighting these problems.

S. 1791, and other proposals in Congress, are designed to answer, to some extent, a question asked today by more and more Americans: When, if at all, should the force of the Federal criminal law or of the Federal civil laws be brought to bear when government demands information from its citizens? To what extent can or should government threaten or intimidate those it governs into disclosing the details of their personal lives and households? This is an issue basic to our constitutional system of justice.

What rights does a citizen possess who receives a government questionnaire? What duties does he owe his government to disclose the information?

Does he have a constitutional right to ignore a government statistical questionnaire which does not meet certain constitutional standards?

These are some of the questions we shall consider during these hearings and Professor Arthur S. Miller of the National Law Center, George Washington University, Professor Charles Fried of Harvard Law School and Professor Arthur A. Miller of Michigan Law School, will discuss these matters with a view to the legal philosophy involved, the uses of the federal sanctions for data collecting, and the significance of computers and the new technology for constitutional principles and for individual privacy.

From among the many hundreds who have written their views to the Subcommittee, I have selected a number whose experiences and views reflect those of the average citizen confronted with a personal questionnaire.

We shall hear Mr. William Rickenbacker, Chairman of the National Right to Privacy Committee, describe his prosecution by the Federal Government for not revealing information in a decennial census.

Now, this decennial inquiry would not be too bad, except that all through the year, the Census Bureau, acting under general statutes, sends out thousands of other questionnaires in surveys of many subjects and many separate categories of people. The repetitive nature of the questions is astonishing.

Many of these surveys also are conducted under the threat of imprisonment and jail for non-response. We shall hear Mr. Schliestett, owner of a business in North Carolina, describe a survey form sent him which carried threat of a $500 fine or 60 days in jail.

Farmers are especially bedeviled this way, and Mr. Van Tilburg, who owns a small farm in Ohio, will describe some of the pressures they face. I intend to place in the record hundreds of letters from farmers and farm organizations also testifying to this problem.

Some questionnaires are legally voluntary but the recipient is not told. He is left with the inference that the response is required, and the Subcommittee will hear Dr. Nicholas Smyth describe an example of such prying after he bought a house in the District of Columbia.

Another group of questionnaires are those dreamed up in the different departments and agencies and sent out by the agency or by the Census Bureau acting for the agency. These are usually voluntary but, again, those selected to respond are not told. Instead they

are given a time limit for replying, and are subjected to a round of certified follow-up letters, phone calls and personal interviews. We shall hear Mr. Corbett, a veteran, and Mr. Till, a Federal employee, describe their experiences with such practices.

It is clear, from the complaints which are coming to Congress, that Americans are tired of this legal coercion to surrender rights guaranteed in the Bill of Rights. Throughout the year, citizens are subjected to a daily bombardment of government demands for information of all kinds, from tax returns to employment forms. The power of government and the force of federal criminal laws should not be used to harass citizens with unnecessary surveys prompted by some official's vague hope that the information might in some way be helpful."

Somewhere a balance must be struck between the individual's desire to keep silent and the government's need for information. If it is proved necessary to invade certain rights, clearly it is the constitutional duty of Congress to establish precisely how and under what circumstances this may be done. To tolerate any longer this executive branch grab for power is a betrayal of a power which Congress holds in trust for the people.

In this era of student unrest, of dissatisfaction of many different groups, we should take note that the expressions of concern are widespread. Complaints of resentment and harassment in government's quest for data come from liberals and conservatives, from rich and poor alike; from the academic community, from businessmen, from those who ordinarily have no animosity toward government as such and who respect the criminal laws. I have received hundreds of such letters as this one from a Methodist minister, Reverend G. Robert McKenzie who writes:

"Frankly, I am deeply concerned—not because of the census, or because there are more than 120 questions to be answered; my concern arises over the requirement which states that one *must* answer all questions or be subject to fine or imprisonment. This is the tactic of a police state!

"Could you give me your observation on this matter. Furthermore, is there any possibility that the law should be changed so that in the event one declines to answer all questions, he would not face charges?

"I am tempted to make a test case of this invasion of privacy by refusing to answer some of the questions. I'm not sure, though, if my congregation would want their Pastor to be a federal convict!

"In conclusion, let me state that I do not consider myself to be a part of any "ultra" group either on the "left" or "right," nor do I consider myself to be a conservative—politically, economically, or theologically. I do believe that I belong to that large majority of "moderate" citizens who have allowed others to speak for them far too long. Our rights are very slowly but surely being eroded by well-meaning, but nevertheless misguided officials. I trust Congress will begin to erect a restraining wall with legislation to remove the mandatory requirement of the United States decennial census."

A lady in Statesville, North Carolina, wrote to me:

"I am a widow, live alone in a small apartment. I have two doors at the front, sometimes I go in through the door to the living-room, sometimes into the one leading to the kitchen *but* what difference is it which door I enter? Who could possibly care? Never in my life have I heard of such nonsense as to the personal questions that will be asked unless *someone* does something and now!

"Always I've respected the law and I never to my knowledge, violated any law of the land. I love America and I deeply resent any criticism of my country, but for the first time in my life (I'm over 60 years old) I have no intention answering such stupid questions and if need be will suffer the consequences. There will no doubt be marches and others protesting. This is the first time I've ever protested an issue but I feel very strongly against it.

"Now what are you doing about it? I want an answer."

An outstanding attorney in my state, Mr. J. Archie Cannon, was among those lawyers ordered to respond to a Census Bureau demand for a detailed report of the financial and legal activities of his law firm. Threatened by a $500 fine or imprisonment, he was told to supply for statistical purposes the percentage of his firm's receipts in twelve specialized fields; to report a breakdown in total receipts for the year, to report on his payroll and employment, and to reveal the percentage of total receipts from different classes of clients.

He completed the form, but protested it as "frivolous, a waste of time, invasion of privacy, and based on an act which is unconstitutional in that the Congress has delegated to an administrative agency the arbitrary power to pick at random certain citizens and order them to give this personal information against their will."

Even after I filed his questionnaire and his protest for him, he continued to receive harassing letters ordering him to comply. On the very day he received his third letter, Census Bureau officials firmly assured the Subcommittee that under the circumstances, such follow-up actions would not have occurred.

Many other attorneys shared his convictions and I am submitting their correspondence relating to this for the printed record of these hearings.

Another witness who, along with many others, was unable to be here today is Mr. Marshall I. Pickens of Charlotte, North Carolina, who recently retired and was immediately honored with Form No. 72-S68005 of the Department of Health, Education and Welfare. His experience is typical of many others. This survey questionnaire asks 72 detailed personal questions of people who become entitled to medicare and social security benefits.

The questions include these:

Do you feel you could be earning more money now, if you wanted to? (1) yes; (2) no; (3) don't know.

How much did you earn at (1) your last job, and (2) your longest job? $—— per (1) hour; (2) week; (3) month; (4) year.

Are you receiving, or do you expect to receive, a pension from a plan other than Social Security from (1) your last job, and (2) your longest job? (1) I am now receiving a pension from this plan of $—— per month; I started receiving it at age ——; (3) I will not receive a pension from this plan; (4) don't know.

Are you or your wife or husband receiving any of the following kinds of income and how much monthly? Any company or union pension; Social Security; Federal Government employees pension; state or local government employees pension; military retirement pension; veteran's pension or compensation; railroad retirement; workman's compensation; cash sickness; or temporary disability insurance; welfare or assistance payments; and unemployment compensation.

Are you receiving any of the following kinds of income? Include any income received by your wife or husband, and fill in yearly amount. Interest from savings, notes, and bonds; dividends from stock; net rental income, excluding maintenance cost, utilities, mortgage payments, property taxes, etc.; annuities purchased individually; regular contributions from relatives outside your home; and other income (from occasional work, etc.).

How much money does your wife or husband earn per year? $—— per year.

Please enter the full name and Social Security Number of your wife or husband. Name ——. Social Security No. ——. What is your telephone number?

After receiving two copies of the form, Mr. Pickens stated:

"I ignored two of these letters and a third came in yesterday by Certified Mail and I am sending it along to you to ask your opinion as to whether I should undertake to answer all these questions, many of them being private, personal and no one's business. I have appreciated your efforts in the Senate and in the Government to stop the Government's interference with the personal lives of people employed in the Federal Government and I think the same should apply with the citizen and taxpayer. It must have taken someone many weeks of work to figure out all these questions, and what will be done with them after the questionnaires have been returned will take many hours of conferring by many people. It is my opinion that this sort of thing ought to be stopped if possible. My question is, "Would you fill out and return this questionnaire if you received one from an agency of the Federal Government?"

He also received a telephone call from a Census official who wanted him to reply over the phone.

Many other citizens wrote members of Congress asking if they had to reply to the form and what would happen if they did or did not respond.

After two inquiries to the Secretary of the Department, we learned that the questionnaire is indeed voluntary and not legally mandatory. It is difficult to draw this conclusion since two follow-up certified letters are sent to nonrespondents and they are then contacted by telephone call or visit from a Census Bureau official.

The original documents are kept by the Census Bureau for 3 years at a Federal Records Center. The computer tapes with the information will be retained indefinitely by the Census Bureau and a copy of the final tapes kept indefinitely by the Social Security Administration.

It is disturbing, furthermore, that the rules of confidentiality which govern this survey are those of the Social Security Administration, rather than the Census Bureau. What is startling is that the questionnaires are not limited to social security recipients. We are informed that the Census Bureau is currently assisting in a large number of such studies of groups of citizens, conducted by the agencies of the Department of Health, Education, and Welfare.

The complaints and revelations concerning the medicare questionnaire suggest what is occurring throughout government. They illustrate why such legislation as S. 1791 is necessary. They demonstrate the urgent need for reforming the legal weapons which the Federal Government uses against citizens.

We are encouraged by a letter last week from Secretary of Commerce Stans that he would reduce the burden of the 1970 Census by reducing by 3 million the number of people who will be told to answer the long form in the census. He has also recognized the need for reviewing the role of the Census Bureau by promising a blue-ribbon commission to study the problem. Let us hope that when he appoints the commission, he places a time limit on that study, so that its existence does not become a substitute for action. I am encouraged, too, by newspaper reports that President Nixon is considering removal of the criminal penalties from the decennial census. It is to be hoped that he will also recognize the broader problem of the use of the penalty or the harassment of citizens in hundreds of other federal demands for data.

It is my firm belief that Americans are a law-abiding people and that the great majority will respond as good citizens to their

government's reasonable request for disclosure of information, when the need to know is made clear, and when its methods are fair and just.

Mr. ERVIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a perspective and informative statement submitted by Prof. Arthur R. Miller of the University of Michigan Law School.

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

STATEMENT OF ARTHUR R. MILLER, PROFESSOR OF LAW, UNIVERSITY OF MICHIGAN

I am honored by this Subcommittee's invitation to participate in these vital hearings on Privacy, Federal Questionnaires, and Constitutional Rights. But permit me to begin this statement with a disclaimer and an apology. Although I carry the title of professor of law, I do not consider myself an expert in the area of constitutional law. Rather, what little assistance I may be able to offer to this Subcommittee stems from my deep involvement during the past two years in the field of information technology and law. By this I mean the ways in which modern computer technology and the increased information orientation of our society will impact and challenge important aspects of our business, cultural, social, and private lives so as to require a reaction and perhaps a doctrinal adjustment by our legal system. My research and writing in this field have included a consideration of the implications of these phenomena for individual privacy in our country. In this connection, I have had the privilege of appearing before the Senate Subcommittee on Administrative Practice and Procedure during its investigation of computers and privacy and the Senate Subcommittee on Antitrust and Monopoly during its recent hearings on credit bureaus. Thus, in the hope that I have not misconceived my role, I will address myself primarily to some of the broader aspects of the federal government's information gathering activities. By way of apology, a rather painful and disabling foot injury last week has deprived me of the time necessary to prepare the caliber of statement that I would have liked to present.

I. THE CHANGING PATTERNS OF INFORMATIONAL PRIVACY

A. The general trend

Informational privacy has been relatively easy to protect in the past for a number of reasons: (1) large quantities of information about individuals have not been collected and therefore have not been available; (2) the available information generally has been maintained on a decentralized basis; (3) the available information has been relatively superficial in character and often has been allowed to atrophy or become archaic to the point of uselessness; (4) access to the available information has been difficult to secure; (5) movements of people in a highly mobile society are difficult to track; and (6) most people are unable to interpret and infer revealing information from the available data. But a casual perusal of the testimony elicited in earlier hearings by this Subcommittee as well as by other subcommittees in both houses of Congress and a consideration of the intrusive capabilities of the new surveillance devices and information technologies lead to the conclusion that these traditional safeguards on informational privacy no longer are reliable.

Perhaps the single factor of greatest importance in terms of the information privacy of this nation's citizens is the marked shift in information collection habits by almost all of the significant institutions in our society. Ever since the federal government's entry into the taxation and social welfare spheres, greater quantities of information have been sought from citizens and recorded. Brief reflection about the data acquisition implications of federal involvement in home financing, urban renewal, and public health as well as the activities of the Office of Economic Opportunity, the Job and Peace Corps, and the Department of Housing and Urban Development provides graphic evidence of this point. Moreover, in recent years access to governmental largesse—at all levels—has depended increasingly upon a willingness to divulge private information. This pattern of accelerated data collection has manifested itself in industry and academe as well as in the public sector.

As information recording processes have become cheaper and more efficient, this trend of increased information collection has intensified and been accompanied by a predilection toward centralization and collation of data. In something akin to Parkinson's Law, as capacity for information handling increases, there is a tendency toward more extensive collection, manipulation, and analysis of recorded data, which, in turn, motivates the further collection of data pertaining to a larger number of variables. The availability of electronic data storage and retrieval has accentuated this cycle in a number of contexts, some of which will be discussed below. Thus, it is reasonable to assume that one consequence of this heightened appetite for data and the increased capacity to handle it is that many governmental agencies will go beyond current levels of inquiry and begin to ask more complex, probing, and sensitive questions. Perhaps future interrogations will touch upon such subjects as associations with other people, location and activity at different points of time and space, medical history, and attitudes toward various institutions and persons.

B. The Federal Government's activities

(1) The Decennial Census

As intimated above, the federal government's contemporary and projected information practices clearly illustrate society's new orientation toward information collection. Perhaps the best example of this is the decennial census, which has evolved from the simple "enumeration" of the populace described in the Constitution to become a comprehensive survey seeking numerous items of data. As things now stand, in 1970 many citizens will be required to answer questions that touch upon a number of sensitive topics including aspects of the respondent's health, employment, finances, past activities, and even the characteristics of the bathrooms in his house. It should be noted that many of the questions on recent censuses have been included at the request of social planners from both governmental and nongovernmental institutions and industry groups desirous of procuring information that will aid in making marketing decisions.

Information for the census is extracted under threat of criminal penalties, and, on the few occasions when the propriety of census techniques has been questioned in the courts, the Bureau's broad discretion has been upheld. It generally is agreed that among federal agencies the Census Bureau has an unequaled—but not perfect—record for preserving the confidentiality of information collected through the census. In fact, the Census Bureau's enviable history frequently has been cited by advocates of a National Data Center as indicative of the type of security that can be achieved by a statistical organization.

Although the scope of the decennial census ranges far beyond its original constitutional purpose, Congress generally passively acquiesces in administrative determinations of what information should be collected by the Census Bureau. Of course, there is no doubt about the national government's power to proliferate the census process as a "necessary and proper" adjunct to the effective planning of numerous federal programs. But at least one result of the increasingly elephantine character of the census is highly undesirable. It is that middle and low level bureaucrats, who often are responding to pressures exerted by large industrial lobbies or other government administrators, are expanding the contours and the potential application of the criminal sanctions imposed for noncompliance with a census request through their power to determine what questions will be included in it. Although criminal prosecutions for nonresponse are rare, the in terrorem character of the possibility of such a prosecution must have a coercive effect on many Americans who find some of the census questions offensive to their sense of privacy. Is abdication to administrative claims of governmental efficiency the way a great nation formulates its criminal law or strikes a balance between individual privacy and the sovereign's information gathering activities?

To be sure, data collection and analysis as well as an efficient information flow are essential to the proper functioning of a government as large and complex as ours. To be sure, new methodologies in information storage, retrieval, and transfer should be taken advantage of in connection with the vast economic planning our government undertakes each year. But what price must we pay for efficiency? Is it really essential for the federal government to threaten citizens with the imposition of criminal sanctions in order to obtain detailed information about their income, means of transportation, employment, kitchens, bathrooms, or bedrooms? Is it clear that this information is so essential to the proper functioning of the federal government that we must threaten with criminal prosecution individual citizens who for one reason or another cherish their privacy or fear the intended or unintended dissemination of the responses they give?

Even if the value of each and every item of information sought in the questions proposed for the 1970 census is assumed, the application of criminal sanctions for a refusal to respond cannot be justified absent a clear and convincing showing (1) that an occasional failure to respond will so skew the census taking process as to impair the results of the study significantly and (2) that there is no reasonable alternative source for or method of procuring the information. On the basis of examining the transcripts of other hearings on the census and some additional reading, I do not believe that either of these conditions has been demonstrated.

If a substantial number of people decline to answer a particular census question, that would demonstrate a widely held belief that the query violates an individual's privacy. In that event, citizen reaction should be honored even if some loss of information results, although it is extremely unlikely that refusals to respond will be so high that a question's utility will be completely eviscerated. If a mere handful of citizens refuses to reply to a particular question, it is difficult to believe that the results received from the mass of the sampling group would not provide the information sought by the government. Other survey techniques would quickly demonstrate whether the refusals to disclose originate in a particular social or economic group and adjustments in evaluating the actual responses could be made accordingly. Moreover, cannot the Census Bureau and the other government agencies that employ census data secure much of the information sought by the proposed questions about housing from state and local agencies? Isn't much of what will be requested in 1970 repetitious of information already accumulated by other organizations? If the information collected through other sources does not precisely dovetail with that

which is sought by the 1970 census, might it not be possible to alter the information gathering procedures of the other sources or to employ limited supplementary surveys to satisfy the needs of all who request the information?

These and many other questions should be considered and investigated before the Congress acquiesces in the administrative convenience and necessity arguments of the Census Bureau and the members of the user community. Of course it is *easier* and *cheaper* to let the Census Bureau proceed according to its proposed plan. However, in our country *ease* and *cheapness* have never been adequate justifications for circumventing or compromising American liberties and freedoms. If they were, we would have adopted universal fingerprinting and internal passports for travel within the United States long ago. Yet we have rejected both of these forms of government intrusion as inconsistent with the philosophical fiber of our society. But I note with sadness the newspaper reports that although the number of citizens who will be subjected to the long-form census has been reduced from 15 to 12 million (which leads one to wonder how much more play there is in the allegedly immutable statistical joints of the census), the printing of the 1970 census has been ordered—it is "too late," we are told, for revision.

(ii) The Wide, Wide World of Governmental Questionnaires

The primary danger of contemporary governmental information activities does not lie with the proliferation of the decennial census. Rather, it inheres in the widescale practices of many governmental agencies conducting their own surveys, many of which are carried out under the aegis of the Census Bureau. I recently had occasion to see a list of surveys conducted by Census for other federal and state agencies and copies of some of the questionnaires that were used. The groups interrogated include old people, sick people, farm workers, optometrists, widows, veterans, and shark bite victims, to name but a few. In a period of approximately two years the Census Bureau appears to have conducted surveys on behalf of over twenty federal, state, and local governmental organizations. In many instances these surveys were taken weekly, monthly, or annually, presumably reaching different sample groups each time. Although it is difficult to determine how many respondents were involved, a figure of several million seems conservative.

A perusal of some of the questionnaires reveals them to be lengthy, repetitious, and, on occasion, highly intrusive. One endeavor, which is entitled "Longitudinal Retirement History Survey," conducted by the Census Bureau for the Department of Health, Education, and Welfare, is substantially longer than the 1970 census. It is being imposed on a sample group of recent retirees who are receiving social security benefits. The survey apparently is a response to a recommendation by the Advisory Council on Social Security that data be collected on people who come on the benefit rolls before reaching age sixty-five. In addition to numerous probing interrogatories about the respondent's finances and past employment, some of the inquiries include:

What have you been doing in the last four weeks to find work?

When you retire, do you expect to live here or somewhere else? Where?

Taking things all together, would you say you're very happy, pretty happy, or not too happy these days?

Do you have any artificial dentures?

Is there some kind of care or treatment that you have put off even though you may still need it? What is this care or treatment for?

Do you (or your spouse) see or telephone your parent(s) as often as once a week?

What is the total number of gifts that you . . . give to individuals per year . . .?

How many different newspapers do you receive and buy regularly?

About how often do you . . . go to a barber shop or beauty salon?

What were you doing most of last week?

Given the spectrum of these questionnaires and their content, it becomes evident that they represent a far greater potential threat than does the Census. This is not simply because particular questions are more probing or intrusive than those on the census but also because of their over-all impact on the individual respondent who, in his helpless isolation, can only speculate as to the uses to which the data will be put. In addition, the data produced by these questionnaires, which emerge without direct legislative approval and seemingly at the slightest suggestion that the data might be "valuable," do not enjoy the same level of protection as do the fruits of the decennial census. Once the collected data is transferred to the agency that requested the survey, the excellent privacy-protecting record of the Census Bureau and its strict confidentiality rules become irrelevant. The information and its use is then at the mercy of the agency that originated the survey. Parenthetically, it might also be noted that by employing their own surveys, federal agencies can procure the same information requested by the census and thereby circumvent the supposed confidentiality of the census. Nothing in the legislation following the Supreme Court's decision in the *St. Regis* case prevent this.

C. A word about the consent placebo

Aside from the decennial census, most governmental surveys are "voluntary" in character in the sense that Draconian criminal sanctions will not be imposed if the recipient refuses to respond. The notion of "consent" that underlies these "voluntary" surveys frequently obscures the psychological pressures and the need for some of the amenities of modern life that often force individuals to disclose personal data. Although much obviously depends on the circumstances, in many situations "consent" simply is an epithet for placing formal responsibility for invasions of privacy on the victim, when the duty should be imposed on the data-gatherer to refrain from employing coercion or from seeking the data in the first place.

Even a benign questionnaire sent out under the imprimatur of a federal agency and typically not marked "voluntary" has an inhibiting effect on most individuals or benefits from the natural, although erroneous, assumption that it is a "crime" not to respond to any inquiry by the sovereign. Who can measure the level of anxiety that a social security or medicare beneficiary or the holder of a veteran's pension may experience when he receives a questionnaire originating from HEW or the Defense Department, especially when strongly worded follow-up letters arrive shortly thereafter? Certainly, a concern over the continuation of his benefits would not be unnatural. And are we really certain that a citizen's assertion of his privacy will not nettle some administrator to the point of provoking a reprisal?

II. THE BROODING OMNIPRESENCE OF COMPUTER TECHNOLOGY

I have had occasion, both in the context of congressional hearings and in other public arenas, to suggest some of the deleterious effects extensive computerization of data may have on informational privacy unless some control is exercised over the technology and those who promote it. To recount that tale in full at this point would be unduly repetitious. It is sufficient to reiterate the notion that man's capacity to store, retrieve, transfer, and manipulate information is now limitless and the past constraints of space, time, and quantity are becoming irrelevant. Today, the capacity exists to transmit staggering quantities of data to any point on the globe in the most infinitesimal units of time. In short, computer technology represents a new communications medium for the transmission of information and it is not surprising that pressures have been generated for the establishment of interagency governmental networks, nongovernmental networks, and networks that tie together public and private data bases. As I have pointed out elsewhere, the debate over the National Data Center in large measure was a case of tilting at windmills since most federal agencies already have constituted themselves data centers and considerable authority for the interchange of information among the agencies actually exists.

But what are the ramifications of this technology in terms of governmental questionnaires and individual privacy? Privacy, as many commentators have noted, is a concept that is impossible to define or to fit into a coherent framework of legal doctrine. With greater frequency, however, lawyers and social scientists are expressing the view that the basic attribute of an effective right to privacy is the individual's ability to control the flow of information concerning or describing him—a capability that often is essential to the establishment of social relationships and the maintenance of personal freedom.

As a result of the heightened value being placed on information by contemporary institutions, a substantial portion of information that hitherto has been treated as private is now considered appropriate grist for the computer mill and fair game for the data collector. It may be a bit premature to conclude, as some have, that "information is becoming the basic building block of society" (Sarnoff, No Life Untouched, Saturday Review, July 23, 1966, at 21) or that "all forms of wealth result from the movement of information" (McLuhan, Understanding Media: The Extensions of Man 65 (paper ed. (1964)), but there does seem to be considerable truth in the assertion that electronic technology is making the world into a "global village" in which the domain of strictly private action is steadily being eroded.

In a computerized environment, the power to control the flow of data about oneself can easily be compromised. On the theoretical level, computer systems and other media that handle personal information are capable of inflicting harm on the data subject in two principal ways: (1) by disseminating evidence of present or past actions or associations to a wider audience than the subject consented to or anticipated (deprivation of access control), and (2) by introducing factual or contextual inaccuracies that create an erroneous impression of the subject's actual conduct or achievements in the minds of those to whom the information is exposed (deprivation of accuracy control). (Various aspects of these dangers are discussed at length in Miller Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information Oriented Society, 67 Michigan Law Review 10XX (April 1969).)

And how do the government's information policies fit into the emerging threat to privacy presented by widescale computerization? In an age in which federal information acquisition and dissemination is at an all time high, in an age in which governmental questionnaires are cavalierly issued and electronically processed as if to satiate the appetite of some sorcerer's apprentice, in an age in which national data centers and monolithic information gathering and analyzing techniques are being proposed, the concept of citizen control over the flow of information relating to him is becoming a chimera. The number of people who inevitably will see an individual's answers to

questions on the census and other agency questionnaires coupled with the possibility that these responses can be computerized and analyzed on an associative basis with information collected by the Internal Revenue Service, the FBI, the Post Office, the Immigration and Naturalization Service, and others suggest that the valve on an individual's informational spigot is now in the custody of an indeterminate and unidentifiable number of administrators and computerniks. The ability of sophisticated governmental data centers to generate a comprehensive womb-to-tomb dossier on an individual and transmit it over a national computer network is one of the most frightening aspects of a marriage between increased data collection and the present cybernetic revolution.

III. THE IMPLICATIONS OF A DOSSIER SOCIETY

Since the right to privacy has been conceived in part to assure the individual's emotional integrity, it is appropriate to consider briefly the possible psychological impact on our citizenry of unchecked governmental information extraction and computerization. As the populace becomes increasingly aware that a substantial number of personal facts are being preserved on "the record," people may start to doubt whether they have any meaningful existence apart from the profile in the government's computerized files. In turn, individuals may begin to base their personal decisions, at least in part, on whether it will enhance their record image in the eyes of those who have control over important aspects of their lives:

The terms consequential behavior and acting for the record . . . [may be] used interchangeably. They involve not only the control of forethought to our behavior, but also mean that one should act so that things must appear on the record in a limited way. One puts to oneself not only the admonition that "I had better be careful: This may go on the record," but also the question as to how will it look and be interpreted by those who are not immediately involved in this activity and will judge it from its appearance to them. . . .

Thus, the technical demand for more personal information to be recorded and a conscious public concerned with keeping the record straight lie at the root of the new invasion of privacy. It is a deprivation of privacy that cannot be legislated against nor moralized against. It is a source of social control which necessitates new techniques and a pervading inquiry into our social, economic, and political actions and our motivations for them. It is an invasion which most people willingly accept, since they have not known other conditions and are happy to be publicly significant to someone. (Wagner, Records and the Invasion of Privacy, reprinted in the CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 10821–10823).

This psychosis also may give rise to a conception of the government as an unforgetting and unforgiving watchdog or information manager and this image is certain to be reinforced by the widescale, publicized use of computer technology. As one observer has remarked, "the possibility of the fresh start is becoming increasingly difficult. The Christian notion of redemption is incomprehensible to the computer." (House Hearings on the Computer and Invasion of Privacy 12 (statement of Vance Packard).)

It thus is not surprising that there appears to be reaction against computerized decision-making and other appearances of human abdication to the machine. Increasingly, the computer is becoming a convenient scapegoat for a number of man's ills and there is evidence that the frustrations generated by the computerized environment are provoking highly irrational responses on the part of disenchanted groups. People have written letters to the computers of commercial dating services, commenting on the dates that have been arranged for them; naked protesters have picketed IBM offices with signs stating that "Computers are Obscene"; and computer operators reportedly have ascribed human personalities to their machines. Personification of computers has carried over into the arts, as computers have emerged from the world of science fiction to become sinister protagonists or anthropomorphic figures in novels, plays, motion pictures, and poems. It also has been suggested that widescale computerization may give rise to an "underground" movement, reminiscent of the Luddites, to sabotage society's machines, perhaps by violating contemporary society's eleventh commandment: "Do not fold, spindle, or mutilate." In fact, one federal court has found it necessary to grant an injunction restraining a civil rights group from defacing an electric utility's punchcard bills as a means of protesting the company's hiring policies. (Potomac Elec. Power Co. v. Washington Chapter of C.O.R.E., 210 F Supp. 418 (D.D.C. 1962)) Student activists also have taken cognizance of the machine and have vented their anger on the computer and its trappings as symbols of the dehumanization of modern mass education.

Perhaps little attention should be paid to such aberrational and atavistic behavior. After all, one cannot dispute the fact that the new technology actually promotes a number of vital humanistic needs in our society, and ultimately may prove essential to the proper functioning and preservation of our representative form of government. (Shubik, Information, Rationality, and Free Democratic Society, Daedalus, Summer 1967, at 771, 777) Moreover, the ability to present a parade of horribles does not provide a basis for jettisoning the technological developments of the past three decades or ignoring the government's legitimate need to obtain information for rational planning. Nor does it advance the task of fashioning workable limits to preserve essential privacy values in a society that is increasingly scientifically and technologically oriented.

Nevertheless, the breadth of concern over the dehumanization of modern society and the animus directed at the information activities of the government and the computer cannot be ignored. The omnipresence of data collection activities and the computer cannot help but have a numbing effect on the congeries of values we subsume under the heading "personal privacy" and debilitate the citizen's conception of the government as a relatively benevolent or protective institution. The climate or atmosphere of suspicion engendered by an accumulation of invasions of privacy is of far greater concern than the direct harm caused by the particular incidents themselves. "Even quite reasonable surveillance practices which should be permissible in themselves, may in the aggregate form be the basis of a terribly oppressive society." (Josephson, Book Review, 15 University of California at Los Angeles Law Review, 1586, 1599 (1968).) This seems to be one of the lessons to be learned from the popular outcry concerning the National Data Center, some of the census questions, and the hearings on credit bureaus.

IV. THE NEED FOR JUDICIAL AND LEGISLATIVE SAFEGUARDS

The computer's impact on traditional relationships between individuals and organizations, the impending emergence of computer technology as a medium of communication with national dimensions, and the accelerating pace of federal information gathering suggest that judicial and congressional action to protect privacy values may be both appropriate and necessary. The common-law right of privacy does not seem to have the growth capacity for ameliorating problems of this magnitude, especially in light of the Supreme Court's decision in Time, Inc. v. Hill, 385 U.S. 374 (1967). Moreover, the availability of common-law redress against damaging governmental information disclosures has been further limited by the enactment of the Freedom of Information Act, which opens up vast quantities of data held by the government to public view.

More importantly, the existing common-law theories deal with the dissemination of previously acquired data, rather than the unrestrained governmental collection of information from individuals. To be effective, a regulatory scheme must reach the latter problem and this requires a different doctrinal basis than is offered by the right-to-privacy tort. Fortunately, the law books are not barren. In recent years the Supreme Court has recognized that the individual has the right to object to certain governmental attempts to extract information from him. Perhaps the most clearly developed of these notions is the citizen's right of associational privacy, which seeks to recognize the "vital relationship between the First Amendment freedom to associate and privacy in one's association." (NAACP v. Alabama, 357 U.S. 449, 462 (1958)) Thus, when the government attempts to gather data concerning an individual's association with a group dedicated to the advancement of certain beliefs in "political, economic, religious, or cultural matters" (Id. at 460), it must "convincingly show a substantial relation between the information sought and compelling state interest." (Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 546 (1963)) However, the successful assertion of associational privacy appears to depend upon a showing that disclosure will result in a restraint on an individual's ability to exercise his freedom of association.

Closely related to the right of associational privacy is another judicially recognized individual interest—the right to possess ideas and beliefs free from governmental intrusion. As the Supreme Court recently stated in Schneider v. Smith, 390 U.S. 17 (1968), first amendment guarantees and the concept of associational privacy "create a preserve where the views of the individual are made inviolate. This is the philosophy of Jefferson that 'the opinions of men are not the object of civil government, nor under its jurisdiction . . .'" (Id. at 25)

Taken alone, the judicial recognition of privacy in one's associations and beliefs would provide only limited protection for the individual against governmental intrusiveness. But these cases seem to announce a more expansive principle, one that is part of a tradition basic to the nation's philosophical fabric—the conception of government as an institution of limited powers that is obliged to meet a heavy burden of justification when it undertakes a program or course of action that will inhibit the freedom of its citizens. As Justice Douglas remarked in his opinion for the Court in *Schneider:* "The purpose of the Constitution and Bill of Rights, unlike more recent models promoting a welfare state, was to take government off the backs of people." (Id. at 25)

It is axiomatic that the power conveyed by widescale governmental surveillance or information control can constrict individual freedom. Thus, pressures in that direction must be resisted. Supplications in terms of governmental economy or gains in administrative efficiency cannot justify every demand for greater power to extract, manipulate, store, and disseminate personal data. The Supreme Court appears to have recognized this in recent electronic eavesdropping cases and has resorted to general principles to protect a person's legitimate expectations concerning personal privacy. In doing so the Court has used the traditional constitutional restraints on search and seizure of tangible objects to restrict governmental acquisition of personal information. A comparable broadening of the first amendment guarantees that were applied in the asso-

ciation and belief cases also would be desirable.

But today's trend toward information collection and the almost exponential expansion of the ability to utilize information in variegated ways seems to be altering the citizen-government balance so drastically that total reliance on judicial manipulation of constitutional doctrine is unwise and congressional action is indicated. A legislative solution can take a number of different forms. One logical and effective method of protecting against abusive data collection is to prohibit governmental, and perhaps even non-governmental, organizations from collecting designated classes of data, or, at the least, prohibit them from resorting to sanctions or the threat of sanctions to coerce disclosure of the data. An example of this legislative approach is H.R. 20, introduced by Congressman Betts, which would eliminate the existing criminal penalties for failure to answer many of the questions asked by the Census Bureau. (I understand that Senator Thurmond recently introduced a comparable bill, but I have not yet obtained a copy of it."

Another, and significantly broader, approach is that taken in S. 1791, which was introduced by the Chairman of this Subcommittee. This bill has the desirable effect of restricting every federal agency's ability to collect data to those information items that fall within a specific provision in the Constitution and/or an act of Congress. It also requires the collecting agency to inform respondents when disclosure is being sought on a voluntary basis. In this fashion it would curtail the use of subtle forms of coercion and unjustified application of the consent motion. Despite some problems of language, which might unduly limit or render uncertain its scope of application, S. 1791 represents an extremely useful legislative restraint on administrative excesses.

In yet another effort, Congressman Koch has introduced a bill, to be added, in effect, to the Freedom of Information Act, that would require all agencies maintaining information on an individualized basis to give notice to an individual if information concerning him has been procured from a source other than the subject himself. The agency also would be obliged to exercise certain precautions in the handling of the information and refrain from disclosing personal data without obtaining permission from the individual. The cardinal virtue of this bill is that it enables the individual to participate in transactions affecting the information collected about him and gives him an opportunity to correct any errors. Of course, it does not deal with the problem of limiting direct interrogation of an individual by the government.

Although I must confess to a personal preference for legislation relating to informational privacy that approaches the subject on an overarching basis, perhaps following a comprehensive study of the problem and accompanied by the creation of an *independent* Governmental Information Review Board (the typical academician's approach), the present legislative activity is a healthy and welcome sign. Each of the three legislative proposals described above is meritorious and in many ways they are complimentary. Consequently, they deserve the most careful attention and favorable consideration by the Congress.

Consider Richard L. Tobin's comment in a Saturday Review editorial captioned "1984 Minus Sixteen and Counting": "we cannot assume . . . that privacy will survive simply because man has a psychological or social need for it." Although additional legislation may be necessary when the dimensions of the threat of the new technology becomes clearer, the current legislative proposals represent positive steps toward the correction of the present unhealthy trend and go a long way to avoid the trap of passivity.

V. CONCLUSION

Probably the most distinctive characteristic of classical utopian designs is the basic "humanitarian" bent on their value structures . . . And perhaps the most notable difference to be found between the classical system designers and their contemporary counterparts (system engineers, data processing specialists, computer manufacturers, and system designers) consists precisely in the fact that the humanitarian bent has disappeared. The dominant value orientation of the utopian renaissance can best be described as "efficiency" rather than "humanitarianism." (Boguslaw, The New Utopians—A Study of System Design and Social Change 202 (Paper ed. 1965)).

If the foregoing discussion seems somewhat alarmist in tone, that is so because it is necessary to counteract the fact that "progress is a comfortable disease" (e.e. cummings, Selected Poems 89 (1959)) and the all too often complacent attitude of citizens toward the management of our affairs by occasionally myopic administrators in both the government and the private sector. The very real benefits conferred by effective governmental planning resulting from proper data collection and the application of computer technology may opiate our awareness of the price that may be paid in terms of personal freedom. It thus seems necessary to sound a klaxon to arouse a greater awareness that information is precipitating a realignment in the patterns of societal power and is becoming increasingly important to decision making in practically every significant governmental and nongovernmental institution. As society becomes more and more information oriented, the central issue that emerges to challenge our legal system is how to contain the excesses and channel the benefits of this new form of power. If we seriously believe that the concept of personal privacy is fundamental to our democratic tradition of individual autonomy and if we desire to insure its preservation, then the expenditure of some verbal horsepower on its behalf seems justified. I greatly appreciate this Subcommittee's providing me with a forum for unleashing my share of the necessary energy.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert C. Wagner, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years, vice R. Ben Hosler.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, July 7, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE AWARD OF AN HONORARY DOCTOR OF LAWS DEGREE TO SENATOR WINSTON PROUTY, BY THE UNIVERSITY OF VERMONT

Mr. DIRKSEN. Mr. President, I have on many occasions risen to pay tribute to the distinguished Senator from Vermont (Mr. PROUTY). On other occasions, I have asked that others' tributes to Vermont's junior Senator be included in the RECORD.

Today I ask unanimous consent that the citation for Senator WINSTON PROUTY given on May 18, 1969, by Dr. Robert B. Huber, head of the department of speech at the University of Vermont, upon awarding of an honorary doctor of laws degree to Senator PROUTY by the university, be included in the RECORD.

Dr. Huber's citation briefly and eloquently describes the essence of Vermont's distinguished junior Senator, a modest man of great resourcefulness, energy, and dedication.

In particular I note for my distinguished colleagues the last paragraph of this citation:

This man has not been one to seek headlines or curry favor from voters. He has been too busy serving his fellowmen in Washington.

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

CITATION FOR WINSTON L. PROUTY

(By Dr. Robert B. Huber, May 18, 1969)

Mr. President, I have the honor to present our United States Senator, the Honorable Winston L. Prouty, for the degree of Doctor of Laws, *honoris causa*.

Winston L. Prouty was born and grew up in Newport, Vermont. After completing his education at Lafayette College, he started his adult life as a businessman. A career in public life beckoned, and the succession of offices held reveal the growing stature of the man. First he was an alderman, then mayor of Newport; then on to the Vermont House of Representatives, being elevated to the speakership during his third term. The next step was to Congress, four terms in the House and since 1958 in the Senate. His excellent work on the Foreign and Veterans Affairs Committees of the House was recognized by his appointment to the two-man study mission to the Middle East and twice being appointed to serve on the United States National Commission for United Nations Educational, Scientific and Cultural Organization.

His growing knowledge and expertness as a legislator has brought an ever increasing load as his fellow senators turn repeatedly to him for greater and greater contributions. Called upon, at first to serve on four major committees, the expanding number of subcommittees reveal his worth as evaluated by his fellow senators—subcommittees on education, on labor, on health, on employment, manpower, and poverty, on surface transportation, on aviation, on Merchant Marine and Fisheries, on employment and retirement income, on housing for the elderly, on health for the elderly, on retirement and on health, education, and public welfare for the citizens of the District of Columbia.

Senator Wayne Morse has said: "The most significant education bills . . . would not have been approved except for the fine and very valuable work done by the Senator from Vermont." Logan Wilson, President of the American Council on Education has likened him to Justice Morrill. Senator Proxmire has called him one of the most imaginative men in Congress.

The contributions of Senator Prouty are many. Getting aid for handicapped children, providing funds for elementary and secondary schools, co-authoring the Juvenile Delinquency Prevention and Control Act, helping to provide financing for higher education, encouraging businessmen to train and hire the unemployed, getting increases for the aged under social security, and author-

ing the study of the ghettos of Washington, are but a few.

This man has not been one to seek headlines or curry favor from voters. He has been too busy serving his fellowmen in Washington.

MAN ON THE MOON

Mr. ANDERSON. Mr. President, in the June issue of Redbook magazine, the eminent cultural anthropologist, Dr. Margaret Mead, in an article titled "Man on the Moon," writes about the importance of the space program. She says:

> Today the deeply important thing is that the same set of inventions that is opening the universe to exploration also has made our world one, a bounded unit within which all human beings share the same hazards and have access to the same hopes. This is why I think the moon landing is a momentous event.

Dr. Mead discusses the questions that are usually asked about the space program. Why go to the moon? Why spend all the money on a space program while we have so many problems to solve here on earth? Can we not put the money to much better use, and so forth? She answers this by saying:

> These are the wrong questions to be asking, I think. They are evidence, it seems to me, that we are suffering from a failure of the imagination, a failure of nerve, that psychiatrists are beginning to recognize as future shock.

Dr. Mead compares this to the anxieties of people who live in strange places among strangers and who lose their ability to take in new experience and she says:

> In somewhat the same way many people are shrinking from the future and from participation in the movement toward a new, expanded reality. And like homesick travelers abroad, they are focusing their anxieties on home.

Dr. Mead views man's landing on the moon as a turning point in human history and draws a parallel between this event and the great era of world exploration of 500 years ago. She points out that certainly no one can foresee the final results of this epical step in human history. But Dr. Mead points out that to slow down the program and wait, to turn our attention solely to the problems here at home, would be fatal to our future. As she sees it and says it:

> This new exploration—this work at the edge of human knowledge—is what will keep us human. It will keep us from turning backward toward ways of thinking and acting that have separated men from their full humanity.

A little further on, Dr. Mead says:

> Humanity lies in man's urge to explore the world. It lies in man's unique drive to understand the nature of the universe within which he lives.

Continuing her discussion of the relationship between the space program and humanity, Dr. Mead points out that throughout the history of man, each stage of discovery has made man more aware of his human potentiality and consequently we must put our knowledge to the test. She points out that human potentialities not exercised, wither, fester, become malignant and are dangerous, and that a society that does not move forward, begins to die. Dr. Mead states:

> The exploration of space does not mean neglect of the tremendously difficult problems of our immediate environment. It will mean, I think, the development of a new context within which we can look for viable solutions.

In the final paragraphs of her article, Dr. Mead discusses why the United States and the Soviet Union are successful in their space programs. She points out that the lunar landing will be a triumph in its own right. But that more importantly, it will demonstrate the inescapable connection between man's pursuit of his destiny and his attainment of his own humanity. Dr. Mead closes her article with the statement:

> Voyages to the moon—and beyond the moon—are one assurance of our ability to live on the earth.

Mr. President, Dr. Mead in her article eloquently shows the connection between the space program and humanity. I urge all of my colleagues to read this important article but particularly those who often argue against the space program.

I ask unanimous consent to have the article printed in the RECORD.

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

MAN ON THE MOON

(By Margaret Mead)

The day a man steps onto the surface of the moon, human beings will be taking a decisive step out of the past into a new reality.

Long ago our ancestors lived on very small islands of the known, scattered on an unknown planet. The whole of a universe could be encompassed in a hilltop and a valley, the steady stars, the wandering Pleiades and the waxing and waning moon. Mountain walls, vast plains, dark forests and the fringing seas cut off little groups of men from knowledge of what lay beyond their own familiar patch of earth, and the arching sky was accessible to them only in fantasy.

Today the deeply important thing is that the same set of inventions that is opening the universe to exploration also has made our world one, a bounded unit within which all human beings share the same hazards and have access to the same hopes. This is why I think the moon landing is a momentous event.

But as we wait for the astronaut to take that first step onto a part of the solar system that is not our earth, it seems to me that our vision is faltering. We have followed each stage of this venture into space. Through the camera's eye we have already looked down at barren stretches of moonscape and we have seen our own world, a small, shining globe in space. But as the first climax approaches, wonder at the unknown and a sense of the magnificence of the achievement are dimmed and tarnished by doubt and the feeling on the part of many people that "all this is meaningless to me."

The same questions have been asked for a decade. Why go to the moon? Why spend all that money on a space program that will change no one's daily life and solve none of the problems of human misery on earth? Can't we put the same money to much better use here? Why not put the earth in order before we take off into space? Who cares whether we or the Russians win this "race"? With the danger of nuclear warfare and the menace of uncontrolled population growth—both the outcome of modern science—confronting us, why should anyone get excited about one more technological success, the landing of a man on the moon?

These are the wrong questions to be asking, I think. They are evidence, it seems to me, that we are suffering from a failure of the imagination, a failure of nerve, that psychiatrists are beginning to recognize as *future shock*. It is well known that people who go to live in a strange place among strangers whose language and manners are incomprehensible often suffer from culture shock, a state of mind in which, alienated and homesick, they temporarily lose their ability to take in new exeprience. In somewhat the same way many people are shrinking from the future and from participation in the movement toward a new, expanded reality. And like homesick travelers abroad, they are focusing their anxieties on home.

The reasons are not far to seek. We are at a turning point in human history. What is required of us is not merely a change in our conceptions, but also in our sense of scale. The only parallel to the situation with which we are confronted lies 500 years in our past, just before the great era of world exploration.

In the 1420s, Prince Henry—an extraordinary technologist whom we only vaguely remember as "Henry the Navigator," brother of the king of Portugal—gathered around him a great company of scholars, astronomers, map makers, pilots, instrument makers and craftsmen in Sagres, on a lonely promontory reaching out into the unexplored Atlantic. They created a new science of navigation and invented a new kind of ship, the lateen-rigged caravel, which could make headway against the winds and was designed for long sea voyages. Up to that time ships navigated from island to island or from point to point, close to shore; where this was impossible, few men sailed intentionally.

For 40 years Prince Henry sent ship after ship into the Atlantic and down the coast of Africa, hoping to solve the "impossible" problem of circling the continent. His were not the first craft to reach the nearer islands or to attempt the African voyage or even to rove the open Atlantic. But the men who sailed the caravels were the first to study and plot systematically the winds and currents off the African coast and, eventually, on the open seas from the North to the South Atlantic. And it was from seamen trained in Sagres, only a few years after Prince Henry's death, that Columbus learned his seamanship.

Prince Henry and his company of scientists and technicians formed one of the small clusters of men whose work began the transformation of the world. They solved no immediate problems. The Moors, against whom Henry fought as a young man, still were a threat to Mediterranean Europe when he died. The Portuguese inventions made feasible long voyages of discovery, but no one knew what lay ahead. And certainly no one could foresee that the greatest innovation was the new approach to problem solution, which combined theory and the deliberate creation of a technology to carry out practical experiments. What Prince Henry and others of his time were first attempting systematically made possible a world in which people could believe in and work toward progress.

The parallel, of course, is an imperfect one. Where it breaks down most seriously is in the number of people involved. In the 15th century only a handful of men were aware of the tremendous breakthrough in knowledge. Today in an intercommunicating world, millions of people enter into the debate and are part of the decision-making process that will determine how we shall deal with the knowledge, the anxieties and the hopes that are part of this contemporary expansion of reality. And it is extraordinarily difficult for vast numbers of people to move simultaneously toward change.

We could slow down and wait. We could turn our attention to the problems that going to the moon certainly will not solve. We could hope that, given time, more men would become aware of new possibilities. But I think this would be fatal to our future.

As I see it, this new exploration—this work at the edge of human knowledge—is what will keep us human. It will keep us from turning backward toward ways of thinking and acting that have separated men from their full humanity. For humanity is not to be found by going back to some Golden Age when communities were small and the people living in them knew and trusted (but also, in reality, often bitterly hated and despised) one another. Humanity is not to be found in any kind of romantic retreat, in any denial of present reality, in any decision to rest within the known.

Humanity lies in man's urge to explore the world. It lies in man's unique drive to understand the nature of the universe within which he lives. It lies in man's capacity to question the known and imagine the unknown.

Step by difficult step men expanded the world they knew to include the whole of the planet and all men living on it. In the 17th century, men's conceptions of the universe was transformed by the telescope, which brought the moon and the stars nearer, and by the microscope, through which the once-in-decipherable nature of matter was made intelligible. Once men could count only the smallest collections of objects, and until our own generation the organization of vast assemblages of facts was an infinitely laborious task. Today the use of computers allows men to think about organized complexity on a scale entirely new. And now, finally, we are moving out from the earth as living beings, in the persons of the astronauts, to experience space with all our capacities, our wonder and thirst for understanding. For the first time we are exercising in full reality what has been truly called man's cosmic sense.

Each stage of discovery has enlarged not only men's understanding of the world, but also their awareness of human potentialities. So I believe we cannot stop now on the threshold of new experience. We must put our knowledge to the test. Human potentialities, unexercised, can wither and fester, can become malignant and dangerous. A society that no longer moves forward does not merely stagnate; it begins to die.

The exploration of space does not mean neglect of the tremendously difficult problems of our immediate environment. It will mean, I think, the development of a new context within which we can look for viable solutions. Up to now, our ideas about what can be done have been either utopian or essentially parochial, while the problems themselves affect the well-being of human beings everywhere.

It is no accident that the Soviet Union and the United States, the two largest organized modern states, have built and launched the first successful space craft, while the governments of the 180 millions of people in the Common Market countries of western Europe have continued to bicker divisively and ineffectually over which stage of a shared rocket should be built by whom and have been unable to find ways of co-ordinating their efforts. Nor is it an accident that these two countries are moving ahead so fast in changing and raising the level of education—though in this we still, by far, lead the world.

In part the success of the Soviet Union and the United States has resulted from the fact that these two countries have—and have been willing to commit—the resources in money and men and organization necessary for so large-scale an enterprise. In part it is owing to their orientation to the future. Soviet and American men and women have no monopoly on talent. But each of us, as a country, has been able to attain the precise and magnificent large-scale co-ordination of effort necessary for building space craft and for becoming pioneers in the space age.

The very thing that has made the space program successful, but also in the eyes of many people boring, is awareness of the crucial importance of detail. The rehearsals, the repetitiveness, the careful steps, the determination on absolute precautions and the participation of the citizenry in something that might, but must not, go wrong—all these things also are essential to the success of an enterprise on a new, unprecedented scale.

No country, as yet, has fully recognized the fact that the scale of our major human problems is not local or national but regional or world-wide. No country has realized that we must simultaneously include both extremes—the individual and all men—in working toward social solutions. Individual human dignity can be assured only when all men everywhere are accorded and accord to others their full humanity. National solutions are inadequate, as they are based in past conceptions of human differences, uneconomic uses of resources and barriers to communication that no longer exist.

We have yet to discover how to co-ordinate effort to solve social problems on the scale that will be necessary. This will mean, as it has in the space program, work with small models, new kinds of simulations and trials and intensive learning before we move into large new systems of organization with planetary repercussions. No more than the 15th-century men who opened the seas to exploration can we see what lies ahead. But unlike the early explorers, we have learned how to direct our efforts.

The lunar landing will be a triumph in its own right. But at the same time nothing can demonstrate more cogently, I feel, that there is an intimate and inescapable connection between man's pursuit of his destiny and his attainment of his own humanity than the intricate technological co-ordination combined with individual human courage that characterizes both the American and the Soviet space programs. There is no reason for alienation from experience that will enhance our common humanity. Voyages to the moon—and beyond the moon—are one assurance of our ability to live on the earth.

AIR SERVICE BETWEEN HAWAII AND THE MAINLAND

Mr. INOUYE. Mr. President, as we are all painfully aware, the institution of new and sorely needed air service between the mainland and Hawaii has again been delayed. The inconvenience to the traveling public is enormous. The adverse economic impact upon the State of Hawaii is worsening with each day new service is postponed. The constant delay and postponement of a final decision in the transpacific case is conspicuously not in the public interest.

I testified at the Civil Aeronautics Board hearings in Hawaii on February 15, 1967, as to the pressing needs then for new and expanded Pacific air service. On February 7, 1969, I again publicly urged in this chamber that "the badly needed and overdue competitive service" be permitted to go into effect.

It has been over 6 months since the initial decision by the Civil Aeronautics Board. The public and my constituents in particular are entitled to know the cause of the most recent delay.

The President, on April 11, requested the Civil Aeronautics Board, the agency in which Congress has vested both the statutory responsibility for and the expertise to deal with the establishment of specific routes and selection of carriers, to recommend to him a South Pacific route serving midwest and east coast mainland points and to select a carrier to operate such a route. The CAB undertook this additional chore and expeditiously conducted an appropriate proceeding.

Press reports last week indicate that its recommendation has been submitted to the President. Unfortunately, the administration has not acted to date despite the fact we are in the height of the Hawaiian tourist season. Meanwhile, there are thousands of tourists who are unable to travel to Hawaii because there are no seats available from the carriers presently serving Hawaii.

In the interest of my State and the thousands of Americans whose summer vacation plans are being frustrated, I urge the President to reach a decision in this case quickly to minimize the inconvenience and economic damage that is occurring daily.

FINAL REPORT OF THE JOINT COMMISSION ON THE MENTAL HEALTH OF CHILDREN

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Connecticut (Mr. RIBICOFF) regarding the final report of the Joint Commission on the Mental Health of Children.

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

FINAL REPORT OF THE JOINT COMMISSION ON THE MENTAL HEALTH OF CHILDREN

Mr. RIBICOFF. Mr. President, 3 years ago, the Congress established the Joint Commission on the Mental Health of Children.

The Commission was charged with assessing the care this nation provides for emotionally disturbed children.

It also was intructed to study our ability to diagnose and prevent emotional illness in children.

Today, the Commission is making its report to Congress, according to the provisions of the law establishing the Commission.

Its findings are shocking.

They disclose a pattern of neglect with regard to the emotionally disturbed child.

The Commission found that in the four decades since the 1930 White House Conference on Child Health and Protection, "the care of the emotionally disturbed child in this country has not improved—it has worsened considerably."

And the Commission concludes:

"It is an undeniable fact that there is not a single community in this country which provides an acceptable standard for its mentally ill children, running a spectrum from early therapeutic intervention to social restoration in the home, the school and in the community."

What are the facts behind this statement? Why did the Commission draw up this indictment?

According to its data, there were 1.4 million children under 18 who needed psychiatric care in 1966. But only one third—or 400,000 children—received care. Nearly one million did not.

Present data also indicates that there are 27,000 children under 18 in state and county mental hospitals, many of which lack people trained in child psychiatry and related disciplines. By next year, the number of children aged 10 to 14 hospitalized in these institutions will have doubled.

In fact, thousands of the elderly patients confined to the back wards of these institutions were first admitted as children, 30, 40 and 50 years ago.

One state told the Commission that one in every four children admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years."

Thus, the Clinical Committee of the Commission, after a two-year study, said the following about the hospitalization of emotionally disturbed children:

"The admission of teen-agers to the state hospitals has risen something like 150 percent in the last decade. . . . Instead of being helped, the vast majority are the worse for the experience."

What about these youngsters who escape what the Commission has called "the state institution treadmill?" Their story is one of expensive private, residential treatment centers or none at all. For every child admitted to a private facility 10 are turned away because of lack of space.

Eight states, according to the Commission, had no facilities, either public or private. Many states had no public units for children from low and middle income families.

Summing up, the Clinical Committee said:

"As of today, the treatment of the mentally ill child in America is uncertain, variable and inadequate. This is true on all levels, rich and poor, rural and urban . . . only a fraction of our young people get the help they need at the time they need it."

In addition to its concern for the sick child, the Commission also was concerned about the development of healthy children.

This is an important point.

We must have the facilities and skills to treat the emotionally disturbed child. But we also must develop and support those conditions that contribute to healthy growth.

This means we must use our common sense and good judgment.

For example, we know it is not healthy for children to live in poverty or to be the victims of discrimination, regardless of whether this contributes to or causes mental illness.

We know this because we would not permit our own children to grow up in such an environment.

If we would protect our own children from the effects of poverty and discrimination, then we have a responsibility to remove poverty and discrimination from the lives of other children.

And we should ask why a society permits such conditions to continue for so long.

In general terms, the report of the National Commission on the Mental Health of Children has presented the nation with two basic challenges.

One is the challenge of providing high quality, comprehensive, systematic care for children who are emotionally disturbed, retarded or handicapped.

The other is the challenge of undertaking major social reforms that will significantly improve the living conditions of millions of youngsters—reforms in housing, health, nutrition, employment, welfare and education.

Both require that we re-think our current programs for children and the assumptions that underly them.

The Commission has made many recommendations. They will stimulate considerable debate. This is as it should be.

The major recommendations of the Report is the establishment of 100 Child Development Councils throughout the nation during the next several years.

The Councils would act as advocates in behalf of children and seek to insure that proper care and services were available. They would not be responsible for providing care directly.

As I have said earlier, I will introduce legislation to implement this recommendation. But I would limit the initial scope of the program to five pilot projects—instead of 100—and conduct them in communities with proven potential in the field of mental health care for children.

It makes more sense to set up a small number of councils first, watch them closely, see what works and what fails, and then begin applying proven principles of mental health care on a more widespread basis.

In all this, we must avoid the temptation to impose our will upon the lives of others because we think we know what is best for them.

We should be zealous in our effort to permit both children and families to call upon their basic strengths and to find for themselves those living patterns that will give them the greatest satisfaction and happiness.

Whatever programs or institutions we devise must support this fundamental principle.

And finally, let us remember—particularly with regard to poverty—that programs for children are not in themselves a complete response. Concern about child development inevitably must lead to a concern about adult opportunity. Otherwise, what shall be the next step for the healthy child?

I welcome the report of the National Commission on the Mental Health of Children.

It is comprehensive and provocative.

I especially commend to everyone its charge that we become advocates—not advocates in behalf of any single program, profession, bureaucracy or theory—but advocates of healthy children and a healthy society.

A NEW CHAMPION OF THE CONSERVATIONISTS

Mr. DOLE. Mr. President, there has never been a time in the history of our Nation when there has been greater interest in preservation and development of publicly owned wildlife areas. The conservation movement has taken on new vigor and meaning in recent years.

In Secretary of the Interior, Walter J. Hickel, the Nation, and particularly the conservationists, have a true friend and champion. He is demonstrating with positive action that the benefits of recreation shall be made more accessible to all.

I ask unanimous consent that an editorial "Hickel Begins To Sound Like A Conservationist" appearing in the June 29, 1969, issue of the Kansas City Star which outlines some of Secretary Hickel's views in this regard be printed in the RECORD.

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

HICKEL BEGINS TO SOUND LIKE A CONSERVATIONIST

Although it is far too early to label the secretary of the Interior, Walter J. Hickel, an ardent conservationist or a latter-day John Muir, he is beginning to emerge as a reasonable and practical man. Perhaps the new secretary is an adept student at on-the-job training. Or maybe his statements on parks and conservation, made while governor of Alaska, did not reflect his general thinking.

Either way, we will leave the speculation to others. However, in his first major policy statement as head of the vast Interior department, Secretary Hickel talked sense. Now if his stated views on recreation and parks are backed up with effective action, the doubts which surrounded his appointment should be quickly dispelled.

Hickel's policy guidelines contain many worth-while points. In general terms they add up to an extension of the programs put into effect by his predecessor, Stewart L. Udall, who developed into one of the strongest men ever to hold the interior post. Before Hickel took office it was feared that he might reverse many Udall decisions. If that had occurred, the future of the conservation movement in this country would have been placed in extreme jeopardy.

Why the doubts? As governor of the 49th state, he was a strong advocate of releasing federal lands for private development, including logging, mining and settlement. At one point, he declared that he was against conservation for conservation's sake, which was interpreted to mean he opposed the wilderness act and other federal programs to set aside huge areas of public lands in their natural state.

During the stormy testimony before the Senate Interior committee, which preceded his confirmation, the former governor clarified his position. His responsibilities and public trust, he said, would be much different in Washington from the obligations he had as chief executive of a wilderness state. The Senate committee bought that explanation and now Hickel has made his first important move to deliver on that national commitment.

Instead of endorsing a more relaxed use of public lands, Hickel re-emphasized the need to acquire more parks and playgrounds while their is still vacant space available.

"Time is of the essence in formulating an action program," he pointed out. "Opportunities are being lost daily to acquire such lands. Once lost, these opportunities can seldom be retrieved."

We could not agree more. This once vast, undeveloped continent is now the home of more than 200 million people. Before the end of the century, there probably will be 300 million Americans. The virgin countryside, which once stretched from ocean to ocean, is now dwindling at a rate of about 1 million acres a year, as forests and fields and hillsides give way to shopping centers, subdivisions and superhighways.

Hickel emphasized the need for more parks near the large urban areas where land is rapidly running out. Take Greater Kansas City as an example. Twenty years ago Lee's Summit, Lenexa and Liberty were sleepy communities out in the country. Today the metropolitan area has grown out beyond those once-small towns. The growth pattern here has been multiplied many times over along the Eastern seaboard, around Chicago and in California.

Two long-range guidelines carry particular appeal. Hickel called for an international parks and recreation plan that would encompass all of North America. His target date is 1972. Last year alone Americans made 35 million visits to Canada. It would be logical for the two nations to pool their resources and plans to work out a comprehensive blueprint for the future.

Hickel also complained that too many motor cars are "impairing the quality of the park experience." Before any new roads are built, he directed the National Park service to study the feasibility of using busses or even mass transit to move people inside the playgrounds.

On a holiday weekend, cars line up bumper to bumper along the Blue Ridge parkway. During the first three days of July, 1967, more than 20,000 vehicles passed through the gates of Yosemite. Many of the 69,586 park visitors in that hectic interval probably have a more vivid memory of the massive traffic jam that developed than of the natural splendor of the valley. As park attendance continues to soar, some alternative to the private motor car must be found, or the playgrounds will become little more than giant parking lots, connected by roads.

In passing, Secretary Hickel advanced many other sound ideas. If he is now able to translate these guidelines into effective

programs, what at first flush appeared to be an unfortunate appointment could prove to be an outstanding one.

ENVIRONMENTAL QUALITY

Mr. NELSON. Mr. President, a recent article in the Milwaukee Journal has a headline which describes a situation that until now has always seemed to be more a hope than a reality. The headline says: "Progress, Yes; Pollution, No." What follows that is a well-written report on the insistence of two States, Oregon and Washington, that a good environment and good business can and must be compatible. The article points out that even with strict pollution controls, officials in both States are confident they are getting their share of new industry. It can be done, and when the approaches of States like these are generally accepted by public officials and industries across the country, it will be.

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

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

PROGRESS, YES; POLLUTION, NO

(By Paul E. Steiger)

Which do you prefer: The booming prosperity of rapid industrialization, or the exhilarating pleasures of a pollution free environment? The Pacific northwest is trying to have it both ways.

The states of Oregon and Washington—both on the threshold of economic diversification—are defying traditional rules of industrial recruiting. They're demanding that incoming companies take great care not to impair their region's natural beauty or soil its air and water. They are turning away companies that don't measure up.

Can these states attract new industry despite competition from areas less dedicated to resource protection? Gov. Daniel J. Evans of Washington, for one, insists they can.

"I'm confident we can enhance both our natural resources and our industrial base," he says.

BLOCK NEW PLANTS

In the northwest, of course, protecting the environment is no longer a matter of choice. "For a number of years, I've been classified as a 'bird watcher' by some irreverent souls in our state," says conservation minded Evans. "Well, there's no question that we bird watchers have become the majority here now."

In recent years, residents of Washington's Puget sound region blocked two huge new plants because the locations were close to residential areas.

In Oregon, the resource protection stance is, if anything, stiffer. In the last few years, the state has sharply beefed up its enforcement machinery.

"What we're projecting, I'm afraid, is inhospitality," says the state's governor, Tom McCall. He added that he would rather see Oregon lose a new plant than accept a decrease in "livability" for local residents.

PLANTS STILL COME IN

He contends, however, that ultimately the policy will enhance Oregon's attractiveness as other places go downhill.

Working against this fierce backdrop, just how well have industrial recruiters in these states been succeeding? Talks with numerous businessmen and government officials in the region suggest that the northwest is doing pretty well.

For one thing, the region's concern to protect its life style appears to be helping it draw more than its share of "white glove" industries like rare metals research and electronics. These industries usually generate little or no pollution.

THINK CONTROLS COMING

But these states are also attracting companies in pollution prone industries—for several reasons:

The cost of strict pollution control can be compensated for by the region's economic advantages.

The two states are using tax incentives and statewide planning to draw the interest of industrial development experts from across the country.

There's a growing conviction among businessmen around the country that stiff pollution control rules are coming everywhere.

There's no clear cut statistical evidence demonstrating the extent to which the northwest is succeeding.

While Washington, for example, has enjoyed close to the highest yearly increase in per capita personal income in the nation for the last few years, this could be attributed in part to unusual strength in the two industries that have long underpinned the state's economy—aerospace and wood products.

CONFIDENT OF SHARE

And while government officials in both states can revel in a handsome array of new companies or new plants that have come in, they can't be sure just how much the pollution issue may have held down the total.

Still, the officials in both states are confident they're getting their share of new industry.

To ease the burden of installing the strongest possible pollution control systems for incoming companies, the Pacific northwest states are relying heavily on tax incentives.

Washington, for example, allows companies to credit 2% a year of the cost of putting in new antipollution equipment against their business and occupation taxes, for up to 25 years. The equipment must be better than the minimum required by state law; and it must be installed by June 30, 1971.

Oregon has a similar law providing annual tax credits until 1977.

RED TAPE IS CUT

Another way these states are helping incoming firms is by having state industrial recruiters work closely with pollution control officials. Company representatives are put immediately in touch with officials who can cut through the red tape that sometimes surrounds resource protection regulations and tell them precisely which requirements are relevant to their planned facility.

To aid and decide what sort of industries should go where, the Washington department of commerce and economic development is inventorying possible plant sites throughout the state.

Meanwhile, a special task force is trying to project the demands for water in each of the river basins in the Puget sound region, where most of the state's population is centered, through the year 2020. Another group is studying future land needs for recreation.

PREPARE FOR ZONING

The purpose of such studies, of course, is to help develop some sort of statewide zoning plan which takes into account the urban, suburban and rural forces in a state and seeks to match projected demands against the region's resource base.

In Oregon, which is working on a 20 year master growth plan, the legislature this spring passed a bill setting up such a zoning plan.

The plan becomes fully effective by 1972. It sets tough controls on land use throughout the state. It organizes the state's 36 counties into 14 districts, and requires district wide planning to be co-ordinated through district planning councils.

CAMPUS DISORDERS

Mr. METCALF. Mr. President, one of the urgent issues before this Congress and this Nation is campus disorders. One of the most pressing needs regarding that issue is for accurate information about the disorders, their causes, the identity of those who participate, their grievances, and how the disorders are handled by the university administrators.

A call that we have heard across the country is that colleges have, so far, been soft on the demonstrators. At this point, I commend to the attention of my colleagues an article that appeared recently in the Los Angeles Times, written by Times reporters John Kendall and George Kannar, that shows that not all college administrators have been soft on demonstrators. It is an important point to remember should this body be called upon later to consider legislation affecting Federal aid to higher education.

Mr. President, I ask unanimous consent to enter into the RECORD a complete text of the article.

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

[From the Los Angeles Times, June 23, 1969]

DISCIPLINING ON CAMPUS TOUGHER THAN BELIEVED—COLLEGES HAVE BEEN FAR FROM SOFT IN DEALING WITH SOME DISSIDENT STUDENTS

(By John Kendall and George Kannar)

From the cradle of the student movement, UC Berkeley, to the nation's oldest university, Harvard, scores of campus disturbances this school year have prompted the question:

"Why don't they just throw the troublemakers out?"

The question implies an easy answer: get tough. The implication is that nothing is being done.

But the fact is, universities and colleges have disciplined scores, probably hundreds, with more than clucks of disapproval and slaps on the wrist. During the last school year, for example:

UC Berkeley dismissed 15, suspended 35, placed 160 on disciplinary probation in three disturbances and collected some $20,000 in fines for property damage. Those totals do not include possible action against 272 students involved in the "people's park" incident.

HARVARD TAKES ACTION

Harvard dismissed 3, "separated" 13 for periods up to two years, placed 20 on probation and warned 99 against future misconduct after 400 policemen were called to clear University Hall of protesters.

Stanford University suspended 14, placed 77 on probation and levied fines totaling $5,425 after demonstrators disrupted the Jan. 14 board of trustees meeting and occupied Encina Hall on May 1.

University of Chicago expelled 43 and suspended 81 for periods up to six quarters for a two-week building sit-in and an invasion of the Faculty Club. Police were never called.

Dartmouth obtained a court order to clear a seized building. When it was violated, 40 undergraduates were arrested by police. Thirty-six of them were sentenced to 30 days in jail. Campus disciplinary hearings were under way at the end of the school term.

FORTY-TWO SUSPENDED AT OCCIDENTAL

Occidental College suspended 42 students for the remainder of the spring term after they sat in the placement office to protest on-campus military recruiting.

San Francisco State College expelled 1,

suspended 27, placed 10 on probation and issued letters of reprimand to 97 students in a tumultuous period marked by repeated use of police on campus.

San Fernando Valley State College placed 46 students on disciplinary probation after the takeover of the upper floors of the Administration Building Nov. 4. The college has reserved the right to review the cases of 27 of the students waiting trial on felony charges.

Expulsion, dismissal or suspension may seem minor to angry citizens. But to a student who may lose his 2-S draft status or financial support, or who may fail to graduate, these are not small matters.

What's happening at UC Berkeley illustrates the effectiveness of university discipline, in the opinion of Chancellor Roger W. Heyns.

He told the Comstock Club in Sacramento recently that in the past two years "only 32" of more than 350 disciplined students have committed a second violation and five have committed a third.

Heyns said the impression that UC Berkeley ignores discipline and enforcement of rules among its students is a "myth" which survives outside the campus.

In the four years prior to 1969, the chancellor reported, more than 350 Cal students were disciplined for rules violations, not including what he termed "beer, sex and cheating" cases. (There have been only two of this traditional type at Berkeley since Jan. 1.)

Today political activity is the principal reason for rule-breaking, not panty raids, and just as the reasons have changed, so have the university's methods in dealing with violators.

Going—if not gone—are the days when the dean of students handled each discipline case like a parent, judging the student informally with a minimum of rules.

BECOME SPECIFIC

Lately, rules have proliferated along with statements of the rights and responsibilities of students. Instead of vague commands against misbehavior, many colleges and universities have become specific in spelling out offenses, punishment and procedures.

Last month, the Board of Trustees of the California state college system amended general rules which said any student may be placed on probation, suspended or expelled for:

A—Disorderly, unethical, vicious or immoral conduct.

B—Misuse, abuse, theft or destruction of state property.

New rules list cheating, forgery, misrepresentation, obstruction or disruption, physical abuse, theft, unauthorized entry, sale or possession of dangerous drugs, possession or use of explosives or deadly weapons, lewd or indecent behavior and soliciting others to do an unlawful act.

The new regulations define "deadly weapon" as "any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club."

As the rules become specific and as the number and types of offenses increase, the procedure for dealing with violators becomes more legalistic, taking on the appearance of an adversary proceeding—a trial.

Changes in the students themselves help foster the trend toward legalization.

Increasingly distrustful of what they think is secrecy and behind-the-scenes maneuvering, many students demand that everything must be conducted in the open. Many want the procedures written down so they know how to defend themselves against charges.

But "openness" itself has a positive value for some of them. At Yale University, for example, "open decision-making" is one of the most appealing revolutionary rallying cries. Opening the disciplinary procedures somehow seems to lead almost inevitably to regularizing them, and eventually making them more formal and legalistic.

At UC Berkeley, regulations issued more than a year ago guarantee due process for the accused student, including right of counsel at an impartial hearing, safeguards against self-incrimination and an adequate summary of the hearing.

To William Van Alstyne, general counsel of the American Assn. of University Professors, the system becomes "more judicious" as it becomes "more judicial."

But not everyone agrees that legalism is good. State College Chancellor Glenn S. Dumke doesn't.

PROCESS COLLAPSES

"There is . . . a very real danger that student discipline on university campuses is being jeopardized by the imposition of administrative injunctions, providing attorneys for the prosecution and for the defense, the use of legal rather than academic vocabularies, etc.," Dumke said in a recent speech.

"Not only can such judicial trappings provide a false impression of due process, but they can seriously slow down that process to a point where it simply becomes inoperative."

At San Francisco State College, one of Dumke's administrative headaches during this school year, the usual disciplinary process collapsed when the student body president refused to appoint student members to a student-faculty committee.

Emergency procedures were invoked by acting President S. I. Hayakawa. He appointed an associate as the coordinator for internal affairs, charged with gathering information about violations and conducting hearings before panels of volunteer faculty members.

"We've sort of staggered along as best we could under tremendous handicaps," says a college spokesman. "We have tried to make it a fair system although it has not been satisfactory."

This fall San Francisco State administrators plan to use the same emergency system, unless the Academic Senate approves a new one.

At UC Berkeley, a new judicial system was proposed by a student-faculty Study Commission on University Governance. In a report, issued last year, the group said:

"We, too, share the nostalgia for a community whose limited size and shared purpose permit it to dispense with rules and procedures. Reality compels the admission that such a community does not resemble the Berkeley of 1968."

The commission proposed that the central adjudicatory function of the university community should fall to a faculty-student Conduct Court, divided into a preliminary hearing division and trial division. The planners foresaw the occasional need for a campus review court.

They called for formation of a legal services board, an agency composed of law-trained faculty members and students. The board would prepare cases, supply advisors to students brought before the courts and assist the courts in resolving legal issues.

The commission's stated objective was to provide for a judiciary independent of executive or prosecution functions and to create judicial and rule-making machinery which is broadly representative of all campus interests.

RULES COORDINATOR

So far, nothing has been done about the recommendations.

With one exception, UC Berkeley's disciplinary machinery remained largely the same through the university's recent troubles. A difference is the appointment of a coordinator of rules and facilities, separate from Dean of Students Arleigh Williams' office, whose task is to initiate cases according to the time, place and manner of rules infractions.

Cases which Dean Williams thinks are serious enough are heard by the Committee on Student Conduct, composed of five faculty and four student members.

Williams admits that the volume of cases has had a "serious impact" on the university's disciplinary machinery, but he says the Committee on Student Conduct continues "to meet the calendar."

"I feel our system is fair and a very wise system," he says. "I think it has handled discipline in a very capable manner. It it not lenient, nor is it repressive. It is a system that is able to provide proper justice for persons accused of violating the rules."

Not so, says Charles Palmer, UC Berkeley's student body president this year.

"I think there are tremendous problems here," he says. "Many of the structures are irrelevant. Discipline often appears arbitrary and not terribly consistent. Lots of people are tried for what they couldn't be tried for in court. It has become a political thing. Some people are disciplined and some are not."

In Palmer's opinion, the system is not representative. He says it is run by faculty members appointed by the chancellor and by students who are "not our peers."

Palmer's view is strikingly different from that of Pat Shea, a member of the Council of Presidents at neighboring Stanford.

"I think Stanford has made tremendous steps in community government and community respect for its own laws," the political science major said.

Stanford's new president, Kenneth S. Pitzer, agrees.

At his recent inauguration, Pitzer said the university's new system is intact but "seriously overburdened." But, he said, "We are gaining, rather than losing in this area. I hope for further progress next year.

"We are moving forward in rebuilding the understanding and confidence among the constituencies at Stanford."

Stanford has attempted to involve the entire campus community in determining what constitutes a community disruption, then engage each element further in solving the problem and applying disciplinary measures.

To accomplish this, a Committee of 15 last year recommended a new legislative and judicial charter.

The charter, approved by faculty, students and administration members, places primary responsibility for enforcing campus rules in the Stanford Judicial Council, composed of four students and five faculty members.

Two other new groups were formed: a 65-member Academic Senate, small enough to discuss major topics, and a five-member Faculty Consultative Group for Campus Disruptions to provide a continuous link with the faculty during crises.

Then, last fall, acting President Robert J. Glaser promulgated a new policy on campus disruptions. Generally, it makes it a violation of university regulations for a faculty member, staff member or student to prevent or disrupt normal university functions or obstruct the legitimate movements of individuals on campus.

The policy was approved by the student legislature and Academic Senate.

Thus, by the end of 1968, Stanford faced the new year with a policy on disruption, a community-approved judicial process to enforce that policy and new means for student-faculty participation.

How well the new system worked is pointed out in a recent report by Gerald Gunther, a

nationally prominent professor of constitutional law at Stanford and a member of the university's Faculty Consultative Group.

NEW MACHINERY

Gunther recalled that in May, 1968, students occupied the Old Student Union building to gain amnesty for seven students disciplined for attempting to disrupt CIA recruiting. Subsequently, the Academic Council voted in favor of amnesty for students involved both in the original disruption and the sit-in.

Last month—a year later—when students occupied Encina Hall the new machinery began to work. Within an hour of the 1 a.m. occupation, the Dean of Students and 15 faculty members had entered the building to certify that a disruption existed and to ask demonstrators both to leave and to identify themselves. Identification was begun, and after consultation with the Faculty Consultative Group, a decision was made to call police.

At 7:30 a.m. more than 100 Santa Clara County sheriff's deputies arrived. As previously planned, faculty members entered the building with each arrest team.

Their purpose, according to Gunther, was to encourage students to leave, to prevent fear of police attack, to prevent misunderstanding afterward concerning what happened and "to give pause to those demonstrators who had hoped to follow the policy of radicalizing more students by provoking actual or apparent police brutality."

The sit-in protestors chose to leave Encina Hall voluntarily. Seventy-eight demonstrators were identified and placed on immediate temporary suspension and Stanford obtained a court order to restrain further disruptions.

The Judicial Council has recommended, and President Pitzer approved, suspension for 14 of the demonstrators and probation for 48 others. The suspensions are the first such mass penalty at Stanford in more than 20 years.

ACTION ENDORSED

The day after the Encina Hall sit-in the Academic Council virtually unanimously endorsed the action of Pitzer and the provost.

Gunther says it would be "utter foolishness" to imply that Stanford has arrived at permanent campus peace.

"But," he says, "the important thing to see is that the administrative methods used and the attitudes of the Stanford community have undergone fundamental and pervasive changes.

"While no one is happy with the resort to police force—least of all the president and provost—the contrast in community support with the earlier sit-in and with results of many other campuses is marked.

"The university has learned new and more effective procedures for dealing with disruptions and the university community, while far from united on the issue, has worked together in enforcing its policy."

Van Alstyne of the American Assn. of University Professors, who recently taught at Stanford, says he knows of no other institution that "has done as much as Stanford to make its internal processes work."

He estimates, however, that perhaps a hundred universities and colleges have revised or are revising their disciplinary procedures because the volume and gravity of student disruptions have disclosed the weakness and arbitrariness of their machinery.

One school, Cornell University in Ithaca, N.Y., found its traditional disciplinary procedure painfully inadequate this year. In fact, the issue at Cornell which prompted disruptive student action was the disciplinary system itself.

In April black students, armed with shotguns, occupied an administration building to protest alleged arbitrariness of Cornell's all-white disciplinary structure, which had just recommended punishment for five black students involved in an earlier incident.

James Perkins, Cornell's president, agreed to drop the charges if the students would leave the occupied building peacefully. They did, but two days later the faculty repudiated Perkins' compromise and continued proceedings against the five students.

Two days later, with the specter of armed violence hanging over the campus, and with a member of the Black Students Union declaring over national television that "Cornell University has just three hours to live," the faculty changed its mind and stopped proceedings against the students.

In the end, no one was punished for anything by the university, although a handful of white SDS members face civil trespassing charges.

Cornell has decided not to discipline its students until it has a comprehensive plan for revision of the disciplinary system. A special committee set up to study the problem is expected to release its report soon. Meanwhile, only routine "beer, sex and cheating" cases are being handled.

At Harvard, the Faculty of Arts and Science approved the university's recent penalties for seizure of University Hall by a 342 to 29 vote, and adopted a resolution which said:

"We recognize the need to formulate, in the near future, a document that will emerge from the widest discussion within and will reflect a wide consensus of all members of the Harvard Community.

"This statement shall apply equally to students, to officers of instruction and to officers of administration."

In an interim statement, the Faculty of Arts and Science listed activities regarded as incompatible with the purpose of the academic community. They included:

—Violence against any member or guest of the university community.

—Deliberate interference with academic freedom and freedom of speech (including not only disruptions of a class but also interference with the freedom of any speaker invited by any section of the university community to express his views).

—Theft or willful destruction of university property or of the property of members of the university.

The faculty members recommended appropriate discipline, including expulsion, dismissal, separation or requirements to withdraw.

Dartmouth has taken a similar approach during the past 18 months to establish college guidelines by community consensus.

If any campus communities are reluctant to deal with disciplinary problems, there are plenty of legislators from the state capitols to Washington, D.C., to prompt action.

Colorado has a new law providing penalties of up to $500 in fines and jail sentences up to a year, or both, for anyone interfering with the normal functioning of a college or university.

Ohio requires colleges and universities receiving state support funds to adopt regulations for the conduct of students, faculty members, staff members and visitors.

Between 80 and 100 proposals to deal with campus disturbances were introduced this session in the California Legislature.

Knowledgeable observers expect the proposals will be winnowed to two compromise bills—one dealing with changes in the penal code and one with the education code.

Perhaps the most striking provision in the penal code bill may be a proposal requiring a 10-day mandatory jail sentence for the second conviction of an unlawful act during a campus disturbance. A third conviction would bring a mandatory 90-day jail term.

TRIBUTE TO HUGH B. TERRY

Mr. DOMINICK. Mr. President, there are many persons in our country who perform a great service to the community in which they live, as well as to society in general. Hugh B. Terry is one of these persons. I have known Hugh Terry for over 20 years and words cannot express the contribution that he has made, and will continue to make, to his associates and community. Hugh Terry is a modest man. Not only does he avoid seeking the limelight, but he passes off his accomplishments as the results of his colleagues. He has done a great service for Denver and for the broadcasting industry. On June 22, he received some well deserved recognition in an article in the Rocky Mountain News.

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

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

HUGH B. TERRY INSPIRES SUPERLATIVES

(By Cecil Jones)

A prophet is most without honor in his own country, goes an old maxim, and perhaps too few people in Denver are aware that on the fifth floor of the new KLZ building are the offices of one of the most respected broadcasting executives in the world.

One reason why the name of Hugh B. Terry is not on everybody's lips is that when a radio or TV station consistently does a good job of entertaining and informing the public, people couldn't care less who's running the show.

But if you're making it your business to find out about the president and general manager of Times-Life Broadcast, Inc., of Denver (KLZ-AM-FM-TV), then you discover another reason why the name Terry is a byword with people like the chairman of the Federal Communications Commission (FCC) if not with Denver TV viewers.

Terry is a modest man who is reticent to talk about his own achievements. Almost infallibly he manages to steer conversation away from his life to any other topic that happens to be viable at the moment. This makes for fascinating dialogue, for Terry is a charming conversationalist, but it is a nightmare for a journalist trying to put the story of a man's life into order.

The facts begin to fall into place, however, when one reads Terry's biography (which he describes as "oververbose") and places a few phone calls to places like New York, Washington, D.C. and—last in line but first in the saga of Hugh Terry—Alexandria, Nebr. The story is a real embodiment of the Horatio Alger myth, beginning in a small town on the Great Plains and terminating, for the present, at least, in the futuristic new KLZ building at Speer Boulevard and Lincoln Street.

VIVIDLY RECALLS EPISODES

Hugh B. Terry was born almost 61 years ago in Alexandria, Nebr., the son of a druggist in a town whose population, according to the present mayor, still hovers "around 300." A wonderful repository of information about Terry's boyhood years is Gerald Joe, now the town grocer, who vividly recalls episodes that probably passed from Terry's memory long ago.

The Terrys were a comfortable, well-liked family—the kind of people, according to Joe, that "you can't say too much about." Hugh and his older brother Norman were handsome lads, good athletes and smart dressers who set the style for the other boys. The whole family was active in the Baptist Church in Alexandria.

Dan L. Terry was a member of the town council and a 33rd degree Mason, a soft-spoken man who nevertheless would tolerate no foolishness in his sons.

Mrs. Jennie Terry was a warm, friendly person whom Gerald Joe and all the kids called "Aunty Terry."

The Terry residence, a "large, nice house" now occupied by the town marshal, was one of three houses on a street just a block off Main Street. Gerald Joe lived across from the Terrys. The boys were separated by four years, Joe being the junior and Terry his "boyhood hero."

Among the experiences Joe loves to recall are the "barn plays," wild west fantasies performed in an old barn by the neighborhood kids to no audience at all, but written, directed and cast by Hugh B. Terry.

No one knew that Terry would some day command legions of people, but the young director showed unmistakable talent for getting kids to do things and be glad they were doing it. Indeed, by meshing remarks made by Terry's present staff at KLZ with Joe's testimony, one can see that at an early age Terry revealed the same ability to understand and manage people that has made him so successful at KLZ.

The middle phase of Terry's history, wherein if things had gone just a little bit differently he might well have been a top newspaper or advertising executive today, reads like a classic success story.

JOINED ADVERTISING FIRM

After graduating from the University of Missouri in 1930 with a B.A. in journalism and serving along the way as president of his class and of Sigma Mu fraternity, Terry joined an advertising firm in St. Louis. It was two years later, at the height of the depression, that a friend made a suggestion which completely altered the course of his life.

By that time Terry was married to the former Elizabeth Lardner of Omaha, who never finished her schooling at Stephens College in Columbia, Mo., because, as her husband puts it, "I pulled her out of there and married her." His salary was $67.50 a month—"not very much for a married man."

The suggestion was that Terry join the staff of a radio station. "The station needed a salesman and I needed a job," according to Terry, so with no training in salesmanship or broadcasting he struck out on an uncharted course that took him first to WKY in Oklahoma City, then, in 1936, to Colorado Springs as station manager of KVOR, and finally in 1941 to Denver, where he took over as manager of KLZ radio.

The rest is modern history.

In the modern phase of the life of Hugh B. Terry the focus shifts from the high school hero who threw the pass that brought laurels to his hometown to a broadcasting executive who pilots a communications empire that stretches all the way to San Diego, Calif.

If one enjoys thinking in symbols, the growth of that empire may be capsuled by imagining the cramped quarters at KLZ radio in the old Shirley Savoy hotel when Terry took over in comparison with the impressive octagonal structure in Colorado redstone that now stands on Speer Boulevard.

KLZ in 1941 was the property of the Oklahoma Publishing Co., the firm which originally hired Terry as a salesman in 1932. In April, 1949, the station was sold to Aladdin Radio and Television, Inc., in which Terry was part owner.

WAVE OF THE FUTURE

Television obviously was the wave of the future in the broadcasting industry. From 1948 to 1952 the FCC put a freeze on the licensing of TV channels. When the Commission decided to open hearings for new channels, Denver was felt to be the largest market not served by television, and its hearings were the first called.

Terry was chief witness for Aladdin at the FCC hearings in October, 1952. With characteristic modesty he shifts the credit for KLZ's success in Washington to his associates, calling it "a beautifully done case."

Wes Pullen, president of Time-Life Broadcasts, Inc., probably was more accurate when he said that Terry was so impressive at the hearings he was characterized as "Mr. Denver," and that it was largely due to his strenuous efforts that KLZ was granted a license to broadcast television.

KLZ received a permit to begin construction of TV studios on June 30, 1953. Remodeling of the old building, now razed, began the following day. On Nov. 1 of that year KLZ-TV went on the air.

Jan. 11, 1954, however, probably was the greatest watershed of Hugh Terry's life. On that day Terry suffered what he calls "a pip of a coronary," what West Pullen calls "a massive heart attack," and what might best be described as a pointblank confrontation with death.

Terry's razor-thin escape from eternity brought about a complete change in work habits and a new future for KLZ. Time-Life Broadcasts, with the help of Terry's old friend Wayne Coy, chairman of the FCC under President Truman and at that time television adviser to Time-Life, began negotiations to buy the station.

According to Terry, his thinking during the negotiations was something along the lines of "I don't know if I'll be around. If this is a good deal I'll get my estate in order." KLZ Radio-TV was sold to Time-Life in July, 1954.

HOW AFFILIATES ARE FEELING

Terry is now responsible for Time-Life's western division, which includes Denver, KOGO AM-FM-TV in San Diego, Calif., and KERO-TV in Bakersfield, Calif. KLZ is also an affiliate of CBS, and Dr. Frank Stanton, president of CBS and one of Terry's closest friends "uses Terry as a sounding board for how the affiliates are feeling," according to Pullen.

Under Terry's supervision KLZ-TV has won at least as many laurels as its manager, the most distinguished being an "Emmy" earned in 1967 for "Road to Nowhere," a superb 30-minute show filmed entirely in the Colorado state penitentiary in Canon City.

But that is history. What is most fascinating about the man is the living story going on in the KLZ building, a story which, as Wes Pullen says, "reflects Terry totally."

For Jim Bennett, news director since 1957, the attitude that permeate the KLZ studios was summed up on May 8 at the dedication of the new building on Speer Blvd.

During the ceremony Andrew Heiskell, chairman of the board of Time, Inc., parent company, delivered a tribute to "Hugh Terry and staff" ("and the only reason the staff is here, or good, is Terry," Bennett added).

Heiskell charged the station "1) to do the best damn job of informing that you can; 2) come as close as possible to telling the truth that you can; and 3) entertain, amuse, and be terribly responsible to your community."

To Bennett this charge capsuled a philosophy of broadcasting that Terry had laid down long ago for KLZ.

The facts bear out this conviction. The first point, the responsibility to "inform" the public, recalls a series of radio and television editorials Terry broadcast in December 1955, to protest a Colorado Supreme Court ban of cameras and microphones inside courtrooms. It also confirms a statement by Vincent Wasilewski, president of the National Association of Broadcasters, that "Terry is a leader who has always argued vehemently for broadcasting's rights to editorialize."

RELAXATION OF CANON

Terry took to the air because, in his words, "We got a little irritated with the treatment we were receiving in the courtroom. We were pretty blunt about it."

The hearings, which ended in February, 1956, resulted in the relaxation of the canon. Broadcasters applauded Terry's vigorous editorializing by awarding him the coveted Paul White Memorial Annual Award that year.

The second responsibility of the broadcaster, to "tell the truth," seems to be almost an obsession with Terry's staff. Ask any KLZ newsman, and he'll relate how he's constantly enjoined from the top to do a "good, fair, honest job of reporting."

Because of Terry's background in journalism he is very sympathetic toward news broadcasting, and it shows at KLZ. According to Jim Bennett, in 1953 the news operation at the station was "like an open bullpen," consisting of 30x15 room plus an office for the news director.

When Bennett became news director he made suggestions, and found Terry ready as always to listen. "In a slow, progressive manner" he added personnel, increased airtime, and by 1965 expanded his space up to 1,500 square feet.

But that was before 1969. Now, Bennett says, his "ultimate dream" is realized in the the new KLZ building, where the news facilities occupy the entire second floor.

Despite the fact that the newspaper and the TV news broadcast are both competing for the public eye, Terry sees the roles played by the two media in informing the public as complementary. TV coverage may be more immediate, more graphic, and may capture more human interest by filmed interviews. "But the newspaper," he feels, "will give details and an 'historical part' that television can't provide."

The third duty with which Heiskell charged Terry and his staff—"to be terribly responsible to your community"—is a commitment which Terry personally oversees.

GOING DIFFERENT DIRECTIONS

"Broadcasting is still an industry where a lot of horses are going different directions," Terry once remarked. But one undeviating course on which he has set KLZ is toward being sensitive and responsive to the needs of the public.

"If you're going to take something out of the community, you've got to put something in," Terry believes.

But why should broadcasting feel this commitment? Terry's reply is characteristic of his uncomplicated humanitarianism.

"Well, who else is going to do it? George?

"Or you can look at it selfishly. Think what we learn from the community. "I'm not a great protagonist for anything," he continues. "But the better we understand each other the better we can get along in this world."

Terry's personal commitment to forging a bond of understanding between the station and the public is visible in the masses of people who jam the glass-walled lobby of KLZ daily to be conducted on tours of the building by attractive girls in bright red and blue dresses.

In fact, it would not be uncommon for tourists being conducted through the carpeted hallways on the fifth floor of the KLZ building to see a robust, white-haired man in a dark suit disappear beyond a potrait of Henry R. Luce and into his office. Chances are they would remember his warm smile, but would never know the man was Hugh Terry.

One afternoon about 3 years ago some 15 Denver firemen could be found at KLZ sipping cool drinks and paying thoughtful visits to a table heavy with exotic nuts, exquisitely prepared hors d'oeuvres and shrimp cocktail.

In a way that has nothing to do with Hugh B. Terry, who was off relaxing with his wife Betty in a favorite vacation spot which he refused to disclose, but which one reliable source related to be Las Vegas.

But in another way the fireman's party has everything to do with Hugh Terry.

Jim Bennett had thought up the idea of expressing the station's appreciation to Denver firemen for the fine job they've been doing. He walked into Terry's office, proposed the idea, and was told, "Sure—go ahead."

INTELLECTUALLY CURIOUS

One is hard put to find a fitting conclusion to the story of such a remarkable man.

It could be said that Terry is a warm-hearted, intellectually curious man who has traveled around the world, but who since his coronary 15 years ago prefers short, quiet trips with his wife, golf (handicap, 17), and his German shepherd "Samantha" (now called "Sam" since she's been spayed).

Or one could quote Dr. Frank Stanton, president of mammoth CBS and a close friend of Terry for 30 years. "I can only talk about Terry in superlatives," Dr. Stanton said, adding that the first thing he did on a recent trip to Colorado was to stop by to see Terry and tour the "magnificent" new KLZ building.

Indeed, as Wes Pullen of Time-Life Broadcasts made clear, were it not for his devotion to Denver and his friends here "Terry could have entered the national rat race and achieved even wider recognition than he has." When Terry sold KLZ in 1954 he insisted to Time-Life that he never be asked to leave Denver, in spite of the danger which high altitude poses to a man with a heart condition.

"I've had enticing opportunities," Terry has said, "but not enticing enough."

ADDITIONAL SUPPORT FOR S. 9 CRIMINAL INJURIES COMPENSATION ACT

Mr. YARBOROUGH. Mr. President, my bill, S. 9, to provide for compensation of victims of crime, is attracting more public notice and support. Last week, Newsweek magazine carried a lengthy article on this matter. Recently, I received a letter supporting my proposal from Mr. Daniel Lewis Carpenter, of Inglewood, Calif. It is encouraging to me to see this evidence of interest in this proposal.

I ask unanimous consent that the letter from Mr. Lewis Carpenter, dated June 17, 1969, be printed at this point in the RECORD.

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

INGLEWOOD, CALIF.,
June 17, 1969.

DEAR SIR: I am writing to inform you that I thoroughly approve of your bill, the "Federal Violent Crimes Compensation Commission".

I feel that it is about time something is done for the victim, as well as for the criminal. I feel that something should have been done for the victim first, instead of the criminal. I think it is more important to help the law-abiding taxpayer before the socially unwanted criminal.

One again I must tell you that I am proud to be an American when bills to help the right people are passed. I pledge my full support to your bill.

Sincerely,

DANIEL LEWIS CARPENTER.

LATVIAN INDEPENDENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that a statement by the Senator from Connecticut (Mr. DODD) be printed in the RECORD.

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

LATVIAN INDEPENDENCE

Mr. DODD. Mr. President, among free men around the world, the fact that Latvia commemorates her 50th anniversary of independence strikes a responsive note.

True, Latvia today is a captive state, incorporated by force and duplicity into the Soviet Union. Latvia's plight, unfortunately, also befell her sister Baltic states, Lithuania and Estonia.

But there are men and women, throughout the civilized world today, who mark the anniversary of freedom that reigned without recent memory in states like Latvia. They also mourn the deliberate destruction of that independence by brutal marauders who sit astride the prostrate captive states in dominating occupation.

In the dismal, war-riddled European summer of 29 years ago, Soviet police and troops were deeply engrossed in a human tragedy, that of chopping up the small and free Baltic states.

While most of us here at home at the time were dumb-struck with the horror of the Nazi blitzkrieg that overran France, and the disaster of Dunkirk freshly engraved in our minds, a partner in totalitarianism plundered freely.

In a way it was out of sight but hardly out of mind. Cynically and ruthlessly, the Soviet Union ignored its own promises of noninterference in the Baltic states. While Hitler ravaged Central and Western Europe, Stalin rampaged up and down bordering, little nations.

Self-determination of peoples was ignored by totalitarianism then as it is today.

Tens of thousands of men, women and children were rudely rounded up and sent into the vastness of Soviet prison camps. Other thousands were arbitrarily executed. The agony of Latvia, as well as Lithuania and Estonia, went unrelieved.

Through the ensuing years, the predicament of Latvia and her sister states has become more somber to the world at large. Soviet hegemony is prosecuted in an ever-more vengeful manner.

We protest, which may sound like bootless cries. Yet, they prove a constant irritant to the totalitarian occupier that its conquest was a monstrous crime against humanity.

As history has shown, Mr. President, people liberate themselves. To help them, we must never shirk our responsibility in remembering what happened to small and helpless nations engaged in peaceful pursuits as were Latvia, Lithuania and Estonia.

A moving and chilling document of Latvia's contemporary history and her present-day status has been issued in the form of a manifesto by the New Farmers and Smallholders Party of the Democratic Republic of Latvia.

The manifesto is noteworthy reminder to all of us to recall the 50th anniversary of Latvian independence and her subjugation by an oppressor.

VIETNAM—A MEXICAN NEWSPAPER'S VIEW

Mr. DOMINICK. Mr. President, many of us, I am sure, have often had the discouraging impression that the news media of other countries seldom mention the United States except to criticize our actions, our intentions, or our policies.

It was indeed refreshing to me to read recently an article in El Sol de Mexico which illustrates that all foreign news stories are not anti-American.

I ask unanimous consent that the article entitled: "Will the United States Give Up in Vietnam?" be printed in the RECORD.

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

WILL THE UNITED STATES GIVE UP IN VIETNAM?

The most recent rumors that are being spread around the world are that the United States is trying to find some way to get out of Vietnam.

If they really went into that country when they shouldn't have, it is the most colossal historical blunder of those of recent times. If the communist threat didn't really exist, why were so many tens of thousands of young lives sacrificed?

Undoubtedly there exist many good, sound and powerful reasons for the United States having gone in to help a little country such as South Vietnam, in order to defend itself against a monstrous enemy like China with another immense ally such as Russia, who by turns were helping North Vietnam in its attempts to take control of the southern fraction of said peninsula.

From a necessary point of view, it was indispensable to bomb the sources of supply wherever they were, even though it be in North Vietnam, which now that this is too far away, such sources of supply have been moved to Cambodia.

Since the bombings of North Vietnam were suspended by former President Johnson in a measure of political weakness in the face of great and numerous pressures, the number of American dead in Vietnam has been increasing in an alarming way and the threat to the capital of Saigon is ever greater, with the suburbs being methodically and constantly besieged and bombed. One might say that it is almost ready to give up.

At the same time that the possibility of renewing the bombing attacks on North Vietnam are being "studied" (we will see how many Americans die while "some studies" continue to be made), also the possibility "is being studied" of bombing the bases of the Vietcong in Cambodia and the American military men in Vietnam, desperate in the face of the distressing situation, have already requested permission to attack these bases, but Washington waits. . . . What is it waiting for?, for more men to die? in order to then decide that it is better to get out of Vietnam and leave the country in the hands of the communists who will completely occupy it and wherein they will undoubtedly carry out the saddest, most violent and inhuman of reprisals, for we already know about the ferocity of the communists.

Once a ship's lieutenant, Norde Wilson, sent to the representative from the district of Ohio [sic] William E. Minshall, an impressive letter in which he requested as an aviation pilot that the pilots be given "just" a fighting chance of winning and surviving, since, at that time, the lack of bombs was being complained about, because airplanes were taking off carrying only one-sixth of their capacity and they were risking too much on almost useless mission, bombing little wooden bridges over unimportant streams, which were repaired during the nights.

The aviator complained that they were being sent on highly dangerous night flights over unknown and mountainous regions where, in addition to the natural perils, there existed that of flying at a low altitude in the darkness of night.

They were also ordered to respect the principal targets in the harbors where there were large munitions dumps which later on would kill their fellow Americans.

Then the aviator spoke of the tremendous waste of dropping very costly bombs on practically deserted places and of risking and losing costly equipment on missions without any importance.

Freedom has no price, how many lives can it cost and how many millions of lives has the freedom of one single nation cost? How much has the war in Vietnam cost in money, lives, sorrows, sufferings and sacrifices, to end up now with having to withdraw and

leave everything in the hands of the communists?

The latest American proposal appears naive because it states: "we will withdraw from South Vietnam if the communists of North Vietnam and their allies will withdraw." Why perchance wasn't this same condition put forth in the beginning of the war and not after so much fighting?

It is absolutely absurd and useless to expect that the communists, who availing themselves of the suspension in bombings have reinforced themselves and infiltrated in a greater number than ever and have laid siege to Saigon, the South Vietnamese capital, are going to leave "docilely" now.

There is no doubt that the bombings are very cruel, they don't respect the innocent and they cause a very great psychological impact on the whole world. Because of this Johnson saw himself obliged to suspend them. But perchance aren't the tremendous communist bombings, without risking planes and without loss of lives, on Saigon just as cruel or crueler than the American ones?

To prolong a war is perhaps more cruel than to intensify it to end it quickly, although this can never be known. At any rate, in case of need, emergency or war, the policy regarding an objective should be clear and decided, never wavering, weak or indecisive. Only the will to win carries success. And above all, there must exist the absolute conviction that one is doing good, in defense of a noble cause.

If the end result is to hand over the Vietnam peninsula to the communists, what a crime to do it after so much death, expense and destruction!

The worst part is that such a brave people as the South Vietnamese, who don't deserve such a sad fate, will be delivered into slavery or death.

The historical responsibility of a country has to prevail throughout time, and the commitments contracted must be fulfilled, more so if they have cost so much suffering to the country in question.

The American dead in Vietnam would rise from their graves if they could see the futility of their sacrifice and the people would damn forever those who having been able to prevent it, didn't want to do so.

CLASS I MILK BASE PLANS NEEDED BY DAIRY INDUSTRY

Mr. YARBOROUGH. Mr. President, my name has been added as a cosponsor of S. 745, an amendment to the Agricultural Marketing Agreement Act of 1937, to authorize establishment of class I milk base plans by dairy farmers under Federal milk marketing orders.

The proposed legislation, S. 745, is of real significance to dairying in Texas and elsewhere throughout the Nation. If enacted—as I believe it should be—it would enable milk producers to develop and operate more orderly systems of marketing and result in greater stabilization of dairy income.

In joining as a cosponsor of S. 745, I want to emphasize that it incorporates principles which I believe are sound. These include:

First. Based on the principle of self-help, the authority would enable milk producers to more effectively manage their own economic affairs.

Second. This is enabling legislation—and does not require mandatory action by milk producers to develop and operate class I base plans. However, it provides that authority will be available if they wish to do so. In many areas, dairy farmers are ready to go now with the development of base plans. Others plan to use them in the future.

Third. If adopted, the cost of developing and operating base plans would be borne by the dairy industry itself, with no cost to the Federal Government.

Enactment of this legislation would enable dairy farmers to engage in more realistic planning, production, and marketing of high-quality milk for consumers.

I am pleased to join Senator McGOVERN and others as a cosponsor of this legislation. I urge my distinguished colleagues to give it full and careful consideration.

EXTENSION OF THE VOTING RIGHTS ACT

Mr. MATHIAS. Mr. President, on January 31, I introduced S. 818, a short and simple bill to extend the Voting Rights Act of 1965 for 5 additional years, to 1975.

In regard to this legislation, I should like to call attention to editorials which appeared this weekend in the Baltimore Sun, the Washington Post and the New York Times.

I ask unanimous consent to have the three editorials printed in the RECORD.

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

[From the Baltimore (Md.) Sun, June 29, 1969]

VOTING ACT

A simple and direct course of action with respect to the 1965 Voting Rights Act, which is to expire in August, 1970, would be to extend the law for another five years, to protect and reinforce the voting rights which Negroes in the South are claiming in increasing numbers. The law has been helpful in securing for Negroes the rights which they have been denied, in one way or another, by too many southern communities, and common sense would suggest that the law be renewed until there can be no question about a citizen's right to register and vote.

The Nixon Administration has chosen to avoid this simple course. After a long delay, Attorney General Mitchell has fuzzed over the President's intentions as to the voting rights of Southern Negroes by proposing that Congress replace the bill to extend the 1965 act with a comprehensive bill which, under the guise of a nation-wide application, would tend to weaken the present federal law with respect to the South. Special safeguards still are advisable in the South, according to civil rights workers who have watched the increase in the number of voting Negroes, and the Nixon Administration's recommendations to Congress can only be construed as a retreat from a successful program. Moreover, the retreat can be construed as an act of political expediency, a gesture to certain Southerners, which could lead the Republican party down a dead-end street.

Mr. Johnston reported from our Washington bureau that the Nixon Administration's bill would (1) ban literacy tests in all states through 1973, (2) ban all state residency requirements for presidential elections, (3) continue the federal authority to send voting examiners and observers to southern states but make it nationwide, (4) weaken the present federal authority to block local laws aimed at preventing Negroes from voting or running for office, and (5) establish a presidential commission to study voting discrimination and election fraud.

The flaw in the proposal is in the fourth point, although it also seems likely that consideration of a comprehensive bill of this nature would help to delay an extension of the basic law. Chairman Celler of the Judiciary Committee described the proposal as a delaying action. Mr. Celler could bring the matter into focus by pushing for an extension of the Voting Rights Act while considering the administration's other proposals. An unfair legal burden should not be placed upon southern states, but unfair voting practice in the South cannot be tolerated by the federal government.

[From the New York Times, June 28, 1969]

A VILLAIN VOTING LAW

The Administration's voting rights proposal unveiled by Attorney General Mitchell reminds us that laws, like men, can smile and smile and be a villain all the while. Genuinely good features can mask impossibly bad ones and extended debate can be a cover for evil intentions.

The 1965 voting rights law, a valuable measure offering meaningful protection to Negroes in the South, expires in its essential features next year. It prohibits literacy tests in those states and areas where fewer than 50 per cent of the eligible population go to the polls, on the presumption that such tests are instruments of an official policy to discourage Negro voting. These tests have, accordingly, been banned in seven Southern states, and in a few other areas. Since enactment of the present law, 800,000 Southern Negroes have been registered to vote who did not vote before.

Although the percentage of Americans going to the polls declined generally across the country in the 1968 balloting, it rose in the South and especially among Negroes. The increase in voter participation among eligible Negroes was from 44 per cent in 1964 to 51 per cent in 1968, a gain that has undoubtedly contributed to the success of some Negro candidates such as Charles Evers, newly elected Mayor of Fayette, Miss., and Howard Lee, Mayor of Chapel Hill, N.C.

Instead of urging simple extension of the present voting rights act, a course of action recommended by civil rights leaders, the Administration has sought to placate the South by proposing a flat ban on literacy tests everywhere in the country. This is a form of unacceptably rough justice—that because some men steal, all men must have their hands cut off. Because this proposal will arouse so much opposition and controversy, it is quite possible that it will result in no voting rights law at all.

Still other features of the Administration's measure would further undermine the present law's basic purposes. The states are now required to submit voting law changes to the Federal Government for prior approval. The new proposal would put the obligation on the Federal Government to keep up with all state voting law changes and to initiate suits against any discriminatory ones after they had been made.

The only positive feature of the Administration's proposal is one banning state residency requirements for voting in Presidential elections. President Johnson asked for this in 1967, pointing out that the mobility of modern Americans makes strict residency requirements undemocratic and anachronistic. "They serve only to create a new class of disfranchised Americans," he said.

The Census Bureau estimates that as many as 5.5-million Americans were denied the ballot in November by such regulations. Almost half the states now impose the absurd requirement on voters that they be residents a full year before they are eligible to cast their ballots for the Presidency.

The single beneficial change of removing this harsh limitation cannot mask the bill's bad features. The Administration's voting rights proposal ought to be shelved in favor of an extension of existing law. It is, on the whole, much like the Administration's

electoral reform proposal previously unveiled. What may appear appealingly liberal on its face may prove harshly reactionary in its impact.

[From the Washington (D.C.) Post, June 29, 1969]

MONKEY WRENCH

The operative, conspicuous and altogether damning fact about the Attorney General's statement on Thursday before a House Judiciary subcommittee is that it opposes extension of the Voting Rights Act of 1965. That act expires in August, 1970. There is no doubt whatever that, with Administration support, the act could be extended for five years. With Administration opposition, a simple extension bill may well be defeated. The extended hearings and bitter controversy to which Attorney General Mitchell's proposals will surely give rise may end by leaving the country without any Federal voting rights legislation at all.

There is much to be said for some of Mr. Mitchell's proposals. Unfortunately, there is also much to be said against them. For our part, we heartily agree with the Attorney General that "all adult citizens who are of sound mind and who have not been convicted of a felony should be free to and encouraged to participate in the electoral process." We would, therefore, support Federal legislation to ban literacy tests everywhere in the United States. But some states are going to resist such legislation.

We are no less heartily in favor of the ban suggested by Mr. Mitchell on state residency requirements for national elections. In this mobile Nation, such parochial and artificial restraints on the basic right of national citizenship should long ago have been abandoned. But the reform is likely to engender a lot of opposition. Similarly, there are substantial arguments to support the change recommended by the Attorney General in the mode of attacking state legislation which may operate to deprive minorities of voting opportunities. But the change is an extremely complex one calling for the most careful analysis and debate. Let Congress take up these proposed improvements at leisure and on their individual merits—and not when they can be used as devices for preventing the enactment of any voting rights legislation whatever.

The most cogent argument for continuance of the 1965 act was stated by Mr. Mitchell himself. "Since 1965," he testified, "more than 800,000 Negro voters have been registered in the seven states covered by the Act." And a few of them, he might have added, have been elected to public office. The Voting Rights Act of 1965 has given to black Americans the means to make themselves felt and heeded politically where they were previously ignored. And that, of course, is precisely why there is such bitter opposition to it among so many white Southerners.

The Attorney General can dress his proposals up as much as he likes in high-sounding phrases about putting voting rights on a national rather than a regional basis; but he is not going to fool any of the people who have fought the long hard battle to make voting a reality for Negroes in the South. He is not going to fool Clarence Mitchell of the NAACP who said with characteristic straight-forwardness that the Justice Department bill is "a sophisticated but nonetheless deadly way of thwarting the progress we have made." He is not going to fool Joseph L. Rauh, the seasoned counsel of the Civil Rights Leadership Conference, who called the Administration measure "a monkey wrench." He is not going to fool Rep. William M. McCulloch, ranking Republican on the House Judiciary Committee and a stalwart champion of civil rights who said he favors a simple extension of the present law.

These men have implored the Attorney General not to open the way now for prolonged, divisive debate and the ugly possibility of a Southern filibuster if the voting rights issue carries over into next year. The country is not going to be fooled, either. It knows that the Southern stratagem now embraced by the Administration poses two tragic dangers. One is the danger that if Negroes are deprived of a chance to advance their welfare through orderly political action, they will be pushed toward disorder and violence. The other is the danger that the country will find itself in default on a moral commitment it has undertaken in the name of democracy and justice.

MOISE TSHOMBE

Mr. McINTYRE. Mr. President, I ask unanimous consent to insert in the RECORD a statement by the senior Senator from Connecticut (Mr. DODD) dealing with the death of former Prime Minister Tshombe of the Congo.

There being no objection, the statement by Senator DODD was ordered to be printed in the RECORD, as follows:

THE MURDER OF MOISE TSHOMBE

Mr. DODD. Mr. President, the death of Moise Tshombe, former prime minister of the Congo, in an Algerian prison can only be characterized as cold-blooded political murder.

There are plenty of reasons for suspecting the official statement put out by the Algerian government that Tshombe died of natural causes in his sleep.

First of all, it is common knowledge that there were elements in the Algerian government who were disposed to cooperate with the plans of the Mobutu government to liquidate Tshombe.

Second, there is the highly suspicious fact that the news of Tshombe's death comes on the anniversary of Congolese independence. Joseph Mobutu, totalitarian ruler of the Congo, feared Tshombe so much that he conspired to have him kidnapped in mid-air in the expectation that he would be extradited to the Congo. Mobutu can now celebrate Independence Day free of any fear that Moise Tshombe will some day come back to threaten his one-man rule.

Finally, there is the further suspicious fact that the medical report on Tshombe's death was signed by ten Algerian doctors. The number of doctors by itself is suggestive of a panic reaction on the part of the Algerian authorities, designed to reassure a doubting world opinion.

According to this morning's news account, the Algerian government plans to conduct an autopsy. If they really wish to satisfy world opinion that Tshombe died of natural causes, I suggest that the Algerian authorities, out of simple decency, immediately release Tshombe's body to his family so that the autopsy can be performed by an independent group of European specialists.

But even if Tshombe did die in his sleep, as the Algerian government reports, I still say that he was murdered.

The prime responsibility for this murder lies with the Congolese government of Joseph Mobutu which planned and arranged the mid-air kidnapping of Tshombe on June 30, 1967, by a former French convict. On the day that the kidnapping took place, Mobutu, anticipating Tshombe's immediate extradition by the Algerian government, publicly gloated that Tshombe was "as good as dead." Tshombe was not extradited thanks to the fact that President Boumedienne overruled his own supreme court. But President Mobutu has now achieved the objective he sought through the kidnapping: Tshombe is dead.

Even if Tshombe did die of natural causes the Algerian government will not be able to escape its share of the responsibility for his death. It was not enough that President Boumedienne refused to extradite Tshombe to the Congo. Simple humanity and a respect for international law should both have dictated that Tshombe be released immediately. His detention for two years in a condition of total isolation was a grave violation of human rights which by itself merits the condemnation of civilized opinion.

Finally, a share of the responsibility for the tragic death of Moise Tshombe must be borne by those American officials whose blind and unreasoning hostility towards Tshombe led them to prefer a totalitarian dictatorship under Joseph Mobutu to the remarkably democratic and efficient government which Tshombe gave the Congo as prime minister.

I shall have more to say about this subject when Congress reconvenes after the July 4 recess.

Joseph Mobutu will no doubt rejoice over the death of Tshombe, as will the Communists and other extremists.

But his death will be mourned by the millions of his followers in the Congo, by the many moderate leaders of the new African nations, and by all those who value freedom throughout the world.

Moise Tshombe died a martyr to the cause of freedom.

He was, without question, one of the few great statesmen that black Africa has produced.

He was a natural leader of men, and as courageous as he was warmhearted and eloquent.

History will record that when the Congo teetered on the brink of a Communist takeover in the summer of 1964, it was Moise Tshombe, almost single-handedly, who saved the Congo by dint of his extraordinary courage and energy and leadership.

I count it a privilege to have known Tshombe as a friend, and I shall always treasure the recollection of the times I spent with him, in the Congo, in London, and in Brussels.

The people of the Congo will not forget Moise Tshombe. Nor will they reconcile themselves forever to the totalitarian tyranny of Joseph Mobutu. Mobutu has succeeded in liquidating Tshombe. But there will be more fighters for freedom and more Tshombes. And some day, I am certain, the people of the Congo will again be free.

HOUSE & HOME EDITIORIAL CRITICIZES OPERATION BREAKTHROUGH

Mr. PROXMIRE. Mr. President, under the Housing Act of 1968, the Department of Housing and Urban Development is required to build 1,000 units each of five prototypes of industrialized housing a year for 5 years—a total of 25,000 units—to determine if costs cannot be substantially lowered by mass production and industrialized methods. The funds are made available under existing HUD housing programs. No new money is needed.

As the author of this provision of the act, let me say why it was written in the way it was written.

First, there are virtually no good cost figures for industrialized housing. While everyone believes that costs can be cut dramatically through applying industrialized housing. While everyone believes that costs can be cut dramatically through applying industrial processes, the hard facts have really never been proved.

Second, in the past, HUD had never built more than one or two demonstra-

tion houses by industrialized methods. This, obviously, has proven nothing about cutting costs.

Third, builders and producers say that to get any good cost data as to whether and by how much costs can be cut through industrialized housing, a manufacturer would need to build at least 1,000 units a year to cover his initial outlay for machinery and equipment. Anything less than that would prove nothing.

Finally, the Douglas Commission urged such a project and it was passed in the Housing Act.

Now, however, Secretary Romney has organized "Operation Breakthrough" with a great deal of fanfare and public relations. But he is proposing to build only 30 to 40 units each of 12 to 20 prototypes a year. This, of course, will prove very little, especially as he proposes to build them in some eight regions of the country. It will prove almost nothing.

Housing producers, homebuilders, and housing experts all agree that volume is the key to prove whether real savings can be made.

One of the most knowledgeable men in the field is Richard O'Neill, the editor of House & Home magazine. Mr. O'Neill knows housing and housing products as do few men in the country. He is one of the leading experts on housing construction and housing programs. He was one of the most valuable members of the Douglas Commission and was the author of the detailed introduction and Summary to the Douglas Commission report.

In the July issue of House & Home magazine, he editorializes about "Operation Breakthrough," or as Mr. O'Neill's imaginary administrators call it, "Operation Breakdown."

I urge that the experts at HUD read this editorial. But I urge them further to carry out section 108 of the Housing Act of 1968 so that hard facts may replace fuzzy data in the area of industrialized housing.

In my judgment and that of former Senator Douglas, Mr. O'Neill, and most of the knowledgeable housing builders and producers, by combining the best products and practices in the existing state of the building art with mass production methods, we can significantly reduce costs. We need to get on with the job of carrying out section 108 and we need less talk about some magic new breakthrough.

I ask unanimous consent that the House & Home editorial by Mr. O'Neill be printed in the RECORD.

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

A FICTION—SCRAPS FROM AN IMAGINARY DIALOG AMONG SOME SAVANTS ON THE POTOMAC'S BANKS, OR HOW TO NEGATE A MANDATE

(By Richard W. O'Neill)

Now, men, how can we show people that we're really doing something about low-income housing without getting the Budget Bureau or the Council of Economic Advisors mad at us for increasing the federal budget more than a few million?

Well, how about announcing a big project about studying constraints on building more economical housing, like that last bunch in here did with their In-Cities contract?

Yeah, but you know that that In-Cities hoopla about studying constraints, which everybody knew about anyhow, was just a lot of jazz. Hell, Herbert Hoover, *before* he was President, when he was Secretary of Commerce, identified most of the constraints back in the 1920s—codes, zoning, lending, all that stuff.

Well, then, maybe we better phase out In-Cities. Just leave a little bit of it to preserve the old bureaucratic integrity in '70. Kill it in fiscal '71.

I guess you're right. That last bunch of desk jockies only liked projects on paper. We've got to move some dirt to show we're action guys. So let's do some applied research, not just a lot of reports, but let's do it without much cost.

Great. Now let's throw that around and see if it sticks to the wall. We can use Section 108 of the Housing Act of 1968. Not even the Democratic Congress can shoot us down on that.

You mean the Proxmire amendment. You know, it tells the Secretary to approve five 1,000-unit projects each year for five years. Boy, that's 25,000 units. What a gas!

Now wait. We can't spend that kind of money. The guys over at Treasury would kill us. Look, 108 was designed to test a number of new building systems with the economies of scale, like 1,000 units at a whack. We don't stand a chance of getting money for more than just a few, but we can project the economies of scale on paper.

I object. Section 108 was specifically designed for empirical experience, and mere theorizing is all prototypes have ever given us. And you don't have to ask for any money; you've already got it.

You mean the Treasury's got it. You might as well tell the guys.

Okay. There's about a half billion of special assistance that hasn't been used, and another half billion allocated for public housing in fiscal '70. Then there's another half billion that Johnson put into fiscal '71, but that Nixon wants to rescind, plus almost a half billion still in GNMA takeout authority, not to mention unused urban renewal and Model Cities money lying around.

Why, we're swimming in money! Let's see. Section 108 would call for only about $100 million in its first year. And doesn't the Act tell us to spend that money?

Yes, it does, but not on your Council-of-Economic-Advisors you don't, dummy. That money stays in the Treasury. We've got to fight inflation, too, you know. No sir, we'll have to go before the Congress and ask only for money for *research*. We're not going to use that other money for 108, even if the Act tells us to.

But Congress would love to come up with answers to housing the poor, and they want a show of housing volume to get re-elected. Furthermore, they decided last fall that money and not technology was the answer: for sure in the short term—and probably in the long term, too.

I agree. They won't take kindly to more small-scale research, and they won't like our trying to duck Section 108.

Nonsense. The Big Guy said housing has to fight inflation like everybody else, and we're going to do our part. We're not going to dip into our pot over at Treasury and add to the federal budget.

Well, then, let's prepare a project. Let's call it Project Breakdown, because it will produce a good breakdown of all the cost components in new building systems.

Good. We'll invite a lot of guys to make proposals to us, then we'll select sites for them and get everybody to cooperate. We'll get all the government agencies to work together, the labor unions to change their ways, the politicians to forget politics, community groups and building departments to work out new alliances and new rules for building.

Wait a minute! What new systems, what guys, what sites? Don't you know what Appropriations will say to a research pitch like that? And do you seriously believe all those different constituencies will lie down together and play patty-cake? Come on, chief!

He's right. You know what each of those groups acts like when they see that boodle coming down that old log-rolling road. They'll all be howling for theirs like a pack of wolves.

And then some smart guy on Appropriations is going to ask us sweetly, "Will you stockpile subsidized housing allocations so you can award them to your favorite prototype winners, in your favorite locale?" What about that?

The trouble with you guys is that you worry too much about details, and what lies ahead. We'll worry about the future when we get there. Let's get on with the job, team.

End of imaginary dialogue. No comment.

A BREAKTHROUGH

Mr. NELSON. Mr. President, a recent report by the Milwaukee Journal on efforts to control nutrient pollution, one of the worst problems in the degradation of our Nation's waters, brings heartening news on two counts.

First, for many years, the Milwaukee sewage treatment plant has been unusually successful in removing phosphorus from its effluent, and a study of the Milwaukee plant indicates there may be factors at work there which could be applied in plants nationwide to improve removal of this element. The increasing addition of phosphorus to our lakes and rivers is a root cause of one of the most devastating kinds of pollution—algae growth.

Second, the article reports that a major detergent user has changed to a nonphosphate base detergent. As one pollution control expert says in the article, elimination nationwide of phosphorus in detergents would be a giant step forward in restoring the quality of our waters—and the effects would be immediate.

It is time we took this step and the evidence is increasing rapidly that it is technically and economically feasible to do so.

I shall introduce legislation shortly which would actually require that phosphorous be eliminated from detergents, and that adequate, nonpolluting substitutes be used. Further, the legislation will provide for an intensive program of research to assure that it can and will be done.

The time is long past when we can afford to destroy the quality of our environment in the name of economics. The fact is, it is uneconomical to pollute the water, the air, or the land. More and more Americans are coming to realize this and insist that we put a stop to it.

I ask unanimous consent that this excellent and important article be printed in the RECORD.

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

PROBERS HERE NEAR SOLUTION TO ALGAE POLLUTION PROBLEM

(By Alex P. Dobish)

A government financed research project going on quietly for 30 months at the Milwaukee sewerage commission could result

in a breakthrough in the nation's battle against one phase of water pollution—algae.

Officially, no results of the research can be released until 1970 without violating the terms of a contract for three federal grants totaling $225,000.

Unofficially, however, there is information available. Progress is discernible. Technicians in a special laboratory on the second floor of the sewage plant's "fine screen" building—where solid waste is separated from liquid sewage—are optimistic.

"We're awfully close to an answer," said Lawrence A. Ernest, who directs the commission's laboratories on Jones island.

And, he added, if there is co-operation by detergent manufacturers and housewives, algae and weeds could be starved to death on a massive scale.

The background of the research is this:

For years, the Milwaukee sewage treatment plant has had success in removing phosphorus—a key factor in algae growth. It has removed 80% or more—while many similar plants could get out only 30% or 40%.

A few years ago, interior department officials set 80% phosphorus removal as a standard although many scientists think the minimum should be higher.

The government then asked Milwaukee officials to explain how they removed 80%. The findings were to be a guide to other plants as part of the federal government's anti-pollution campaign.

DIDN'T KNOW ANSWER

Raymond Leary, the commission's chief engineer, was the first to admit that he didn't exactly know the answer. He hadn't given too much thought to the micro-organism ecology involved, he said.

"So, the government told us to determine what was actually happening," Leary said.

The research and development will supply those answers as well as recommend methods to attain 80% removal economically by other sewage treatment plants.

Phosphorous and algae are allies in eutrophication—the natural aging of lakes and rivers resulting in weed and algae growth until the waters are virtually stifled. Now, some bodies of water are growing old before their time because the balance of nature has been upset by additional nutrients causing overfertilization.

PHOSPHORUS IS CULPRIT

A major culprit is phosphorus, needed for water plant growth. In the last 20 years, phosphates in lakes and streams have doubled and tripled because of polyphosphates in household and industrial detergents, scientists agree.

"If we were able to eliminate phosphates in detergents, it would have an instantaneous effect . . . something which would be effective right across North America, maybe the world, within a year," according to P. H. Jones of the University of Toronto, a major figure in pollution control work.

Phosphates make water "wetter" and more uniform in cleaning potential, no matter where the water comes from. Once phosphates were limited because they roughened housewives' hands. The domestic automatic washer, however, eliminated the need to touch the water.

These phosphates are not pollutants in themselves but are extremely active fertilization agents on which water plants thrive, then die and stink and promote the birth of flies. Phosphates enter waterways as agricultural run-off, human and animal waste and in detergents.

EIGHT POUNDS REMOVED

In the early 1950s, the Milwaukee treatment plant took in from 3 to 5 pounds of phosphates in each million pounds of wet sewage, or 120,000 gallons. That figure has risen to 10 pounds. About 8 pounds is removed. Two pounds of phosphates dissolved in cleansed discharge is then turned into Lake Michigan.

The treatment plant releases an estimated 1,600 pounds of phosphates a day into the lake. An estimated 12 million pounds a year finds its way into state streams.

Scientist Ernest and his specially hired staff of four have taken 18,000 samples—one every hour for over a year—in their research.

Pollution surveys based on limited research annoy Ernest and his boss. Leary cited a widely used study based on three samples of Milwaukee river water and another on 14 samples.

BREWERY WASTE CHECKED

Studies have found that Milwaukee's brewery waste plays a big role in getting rid of phosphates. The conclusion was double-checked and verified during the current brewery strike when brewery waste was not being received at the treatment plant.

Increasing carbohydrates from the brewery waste grow a lot of bacteria, explained Clair N. Sawyer of Boston, who once taught at the University of Wisconsin and more recently at Massachusetts Institute of Technology. Sawyer, one of the nation's foremost experts on water nutrients, is familiar with the research at the sewerage commission.

"The more bacteria and the more sludge, the more enriched Milogranite fertilizer you can make from the solids," Sawyer said. Adding alum and ferric salts, careful control of bacteriological conditions, holding ponds and chemical precipitates help reduce phosphates, he said.

NEED RIGHT COMBINATION

The trick is changing from the theoretical to the practical to find the right combination to make the treatment financially and scientifically feasible. The Milwaukee report is expected to suggest modifications based on experience here.

Ernest, Leary and the professor believe that one of the keys to the solution would be to keep phosphates out of the detergent box in the first place. This point is expected to be raised by the Milwaukee researchers.

"The soapers (as he calls detergent makers) will never change," Sawyer said. Perhaps the threat of legislation might force them. As long as using phosphates is more profitable, they'll stay with them." He suggested a special tax on detergents.

SAYS PUBLIC PAYS

"The public has to pay the bill in the long run for the removal of the phosphates through sewage plants," he said.

For years, he pointed out, the detergent industry resisted marketing "soft" detergents which would break down easily in water.

Legislation, in which Wisconsin was a leader, forced a change away from "hard" detergents using alkyl benzene sulfonate. The sulfonate produced abundant foam clearly visible as contrasted to present day nutrients which enter lakes and streams silently and invisibly and do great damage.

The Soap and Detergent Association replies that extensive work has failed to develop an adequate substitute for sulfonate, but that its members are vigorously exploring the possibilities of a switch.

CHANGE UNQUESTIONED

That the change can be made is unquestioned by Milton Johnson, technical director of the A. O. Smith Corp., which uses 100,000 pounds of detergent a year.

His company, Johnson revealed for the first time, has changed to a nonphosphate base detergent from the Freemont Chemical Co., Minneapolis. A. O. Smith is the first major industry here to abandon the old type of detergent.

"The cost is less than before," Johnson said of the A. O. Smith switch. "We told the detergent people we wanted a phosphorous free detergent—and we got it."

Leary and Ernest were pleased with the A. O. Smith change. Although industrial detergents constitute about 10% of all detergent waste, 100,000 pounds of nonphosphate cleaning powder could be a sign of things to come, they feel.

WELLESLEY COMMENCEMENT

Mr. PERCY. Mr. President, last month the distinguished junior Senator from Massachusetts (Mr. BROOKE) delivered a commencement address at Wellesley College. It deservedly received much attention in the news because it deals so directly with the major issues of our times. The Senator, who previously served with distinction as the Attorney General of his Commonwealth, told the Wellesley graduates that what our country needs is "the best energies of all its citizens, especially its gifted young people, to remedy" the profound and pressing social problems of which Senator BROOKE is so acutely aware.

I commend this speech to my colleagues and ask unanimous consent that the Senator's speech be printed in the RECORD.

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

PROGRESS IN THE UPTIGHT SOCIETY: REAL PROBLEMS AND WRONG PROCEDURES

(By Senator EDWARD W. BROOKE)

It is a special pleasure for me to be with you today. I suppose that any politician is always pleased to couple someone else's memorable occasion with a few modest words of his own. It gives him hope that both may be remembered.

Wellesley has even more admirers than its girls have beaux, and I am pleased to be among this college's most enthusiastic boosters. But your commencement from this great school is not a moment to indulge in lavish praise of the fine education you have acquired here, though fine it is. Nor is it a time for extravagant rhetoric about the glorious future which awaits you, though glorious I hope it will be.

Rather I think you and I might better spend this time in a more sober assessment of the kind of society which is developing around us all. For the individual prospects of each of us are directly dependent on the outcome of the mounting social struggles now under way in this country. Most of us have come to see that personal insulation from the conflict and instability of our time is a dubious and unattainable luxury. It is as true today as it was at the time of the Declaration of Independence that "we must all hang together, or assuredly we shall all hang separately."

The social crises of this country have many dimensions; it would be futile to address all of them in a brief statement. Rather than deal with the more controversial issues, I hope you will permit me to offer some reflections on one of the safer and less inflammatory topics of the day, the protest movement in general, and the character and function of student protests in particular. Standing as I do somewhere between fading youth and advancing obsolescence, I hope it will be possible for me to speak both to your generation and to my own.

The waves of protests passing over the United States both mirror and create deep social tension. In some cases one finds it extremely difficult, if not totally impossible, to determine which protests are based on just grievances and which are merely ex-

ploiting issues for the sake of some ulterior purpose. It begins to appear that the process of protest has assumed a self-sustaining momentum, searching for political fodder on which to thrive. As the process continues, particular issues tend to get submerged in the larger confrontation, a contest of will and power which is justified initially as a means of correcting identified evils but which sometimes persists as an end in its own right.

The dynamics of protest are familiar. In the United States, more than any country I know, there has always been generous latitude for movements of this nature. And for good reason. Dissent and protest are essential ingredients in the democratic concoction. Without them an open society becomes a contradiction in terms, and representative government becomes as stagnant as despotism.

Yet there is a narrow but distinct line between productive dissent and counter-productive disruption. The distinction concerns both the methods and the purposes of protest activities. Much has already been said about the limits of dissent. When all is said and done, when abundant angels have danced on the heads of pins and countless philosophers have offered their exquisite rationalizations, I believe the overwhelming majority of Americans will stand firm on one principle: Coercive protest is wrong. And one reason it is wrong is because it is unnecessary.

So long as a society retains a capacity for non-violent political change, resort to violent political action is anathema. Only if most Americans were convinced that this country was no longer open to peaceful political evolution, to transformation of institutions and policies through the available channels of persuasion, would they consider revolutionary force permissible. That most Americans are not so convinced is evident in the growing vehemence of public attitudes on campus disorders and in the rising popular impatience with the efforts of academic administrators to deal fairly and considerately with student rebels.

The intensity of feeling on this matter is well conveyed by Al Capp in his comment on Harvard's reluctance to discipline those demonstrators who assaulted Robert McNamara some months ago. Apart from an apology to the visitor, the college dean declined to take action on the ground that the students who accosted Mr. McNamara were engaged in a purely political activity. "If depriving a man of his freedom to speak, if depriving him of his freedom to move, if . . . nearly depriving him of his life—if that's political activity," says Capp, "then . . . sticking up a gas station is a financial transaction." On this point I suspect that Mr. Capp is less the social critic than the authentic voice of the society he has so often satirized.

Whatever the romantics may say about violence in our national life, the use of force is repugnant to the spirit of American politics. Paradoxically, the introduction of coercion as an instrument of protest may serve only to legitimize the use of force to deal with the protesters. There has been a great deal of theorizing, especially in the cloisters of the New Left, about the technique of social polarization. Some self-proclaimed radicals have contended that by triggering the use of official force against themselves, they can win the sympathy of uncommitted groups and undermine support for existing authority. This is a description, albeit a pat one, of what may happen in some circumstances. But the insight is a superficial one, and the prescription a highly unreliable one.

The most celebrated applications of such a doctrine, as at Chicago last year, are Pyrrhic victories at best. Survey after survey makes clear that a frequent result of coercive protests is the isolation of the protesters and increasing public demand for the prompt and vigorous application of official force against them. Potential allies are more often alienated than enlisted by such activities, and their empathy for the professed goals of the protesters is destroyed by their outrage at the procedures employed.

In short it behooves the disciples of protest as politics to reconsider the alleged merits of coercive tactics. By now they should be able to see that, apart from being morally insupportable, such methods are politically ineffective.

But more than method is involved in measuring the propriety and utility of protest. Even if the techniques of dissent are impeccable in their respect for the rights of others, the substance of dissent needs to be examined closely. Protest without purpose is a perversion of democratic privilege. Much of the political instability in the country and on the campuses, it seems to me, stems from the fact that the process of protest to which I referred earlier has assumed a life of its own, considerably independent of specific issues and problems. This is not entirely surprising, since a number of individuals have gained a vested interest in protest as a profession. It is a novel establishment, to be sure, but there is good evidence that protest itself has become a kind of institution in recent years.

The consequences of this development are many and complex. As anyone familiar with human organization would expect, the institutionalization of protest tends to subordinate substance to style, to emphasize practice rather than purpose. The focus comes to be less and less on issues and more and more on the mechanics of protest. Social and political problems become vehicles to be ridden instead of barriers to be overcome. The issues are multiplied for the sake of expediency, but the mingling of the trivial with the substantial makes it difficult to distinguish between them.

This sort of progressive de-focussing serves to confuse, not to clarify, political debate. The dialogue grows louder, but less coherent. We hear talk of the "mood of protest" gripping the nation, a vague and generalized discontent with the state of the country and the world.

But widespread malaise creates only a context for social change; it does not generate a program for change. One cannot produce a constructive program for social action without sorting out the critical issues from the less critical and without making concrete plans to cope with the priority problems. To demand change without some reasonable notion of what specific kind of change is possible and desirable amounts to little more than primitive breast-beating.

Obviously, my remarks oversimplify the present situation. Many protests are focused and are directed toward well-identified goals, although that is no guarantee of their wisdom. What I am anxious to highlight here are the tendencies inherent in some current political action. In my judgment these tendencies, should they proceed unchallenged, point toward a serious and chronic corruption of the political process.

If this apprehension is correct, it is very important to point out these tendencies to the potential recruits of the protest movements. As we have seen in the colleges and universities, large numbers of these prospective recruits are youngsters from well-to-do or middle-class families, rather than those of more disadvantaged backgrounds. The Students for a Democratic Society and similar groups draw much active and latent support from what has been aptly termed the "lumpenbourgeosie," the middle-class masses.

I think it is indisputable that these and other members of your generation are, intellectually and otherwise, among the more well-equipped citizens in the history of the United States. It would be tragic if they adopted disaffection as a way of life. They must be shown that there are definite alternatives to perpetual protest as a means of linking ideals to actions.

Indeed we all need such alternatives, whatever our age or station in life. It is a common insight of psychology that human beings need a sense of efficacy, a feeling that their actions are effective and that they have a meaningful degree of control over their own lives. What is true for individuals in their personal lives is also true in the social realm, especially for activists. There is a craving to understand the pace and direction of change in society, and to be able to have some measure of influence in steering the course the nation will follow.

But the social analysis associated with some of the contemporary protest movements is a poor guide for individual or collective action. The ideology of the New Left, like that of the super-conservatism that flared briefly in the early nineteen-sixties, is but remotely connected to the realities of American society in our time. It is a curious hodge-podge of Marxist, or neo-Marxist, or pseudo-Marxist, or crypto-Maoist doctrines, fascinating to debate but irrelevant to enact.

This political potpourri mixes genuine social concern with some widely incorrect "lessons" of social history. Mark Twain once observed that "One should be careful to get out of an experience only the wisdom that is in it—and stop there lest we be like the cat that sits down on the hot stove lid. She will never sit down on a hot stove lid again—and that's well; but she will never sit down on a cold one either." Among many of our most sophisticated "cats," there is a strong temptation to over-interpret and over-generalize. Those who aspire to effective political activism would do well to resist that temptation.

If we are to devise sensible standards and functions for protest or any other form of political action, we shall first have to develop an accurate, balanced and comprehensive perspective on the immense social forces already at work in our society. It will hardly do for one to ignore, out of convenience or calculation, the facts which do not fit some pre-conceived ideology. I do not presume to claim that I have the scoop on the intricate eddies which move this nation. But there are a number of major trends which should be a factor in any projection of American social development.

Perhaps the most fundamental of these trends is the growing mobilization of this country's public and private resources to deal with our domestic problems. The philosophy of Dr. Pangloss, who proclaimed that "this is the best of all possible worlds," has never found much favor in the United States. But in recent years this country's citizens and institutions have become increasingly aroused to erase the blemishes on our body politic. In this respect the protest movements reflect and stimulate the healthy self-criticism taking place throughout the nation.

It is a very significant fact that America has identified more precisely than ever before the nature and magnitude of its acute social problems. Racial and social injustice is being seen in concrete terms, as a root cause of human misery and as a principal obstacle to the further development of this nation. Poverty, hunger, unemployment, inferior education, inadequate health care—these grave inequities are now being recognized for what they are, the responsibility of society as a whole as well as the individuals involved.

From this spreading perception has emerged a wholly different attitude toward government. Even after the Great Depression there was a lingering reluctance to have the government act vigorously to meet social needs. But the new awareness that sizable human problems still exist in this land of plenty has created an actual *demand* for government to act or to help others act to relieve them. While there is justified skepticism regarding the effectiveness of some programs, there is an equally justified in-

sistence that various programs must at least be tried.

We ought to realize that, largely because of these altered attitudes, the United States is now well into an unprecedented period of social and political experimentation. In the decades since the Second World War, the power and authority of government have been enlisted to combat racial discrimination in education, in employment, in voting, in housing and in other areas. New cabinet departments have been established to cope with critical domestic requirements: Health, Education and Welfare, Housing and Urban Development, Transportation. A host of other innovations have appeared: The Office of Economic Opportunity, with its community action agencies; the Model Cities Program; the Manpower Development and Training Administration; the Community Relations Service.

The mere catalogue of federal agencies scarcely indicates that adequate programs and funds are now in existence. But it does afford a vital comparison with the governmental organization of 1950 or even later, when there were virtually no agencies with major responsibilities for the problems we now see so vividly.

Has this proliferation of effort, and a parallel expansion of private activities, had any effect? The question is very debatable when one speaks of certain programs, but in the main and overall, I think the answer is a resounding "yea." We are a long way from the good society we seek, but not nearly so far as we would have been without the revolutionary changes which have marked private attitudes and public institutions. We now have a valuable degree of continuity in efforts to evaluate and cope with a broad spectrum of social problems. There remains a great need for experimentation and for improved use of our resources in these areas. Still greater is the need to expand the level of effort generally on these gigantic tasks of social reconstruction.

It would be sheer folly to assume that, simply because we have these new programs, things will automatically get better. Yet it would also be foolish to propound demands for social change in a vacuum, oblivious to the substantial changes already in progress.

But, one may ask, is this all an institutional facade behind which little is really accomplished? I think not.

If one takes what might be called the summary problem of our society, the persistence of poverty amid affluence, there has been measurable progress in these years. In 1959 some 22% of the nation's households were poor; by 1967 those below the poverty line totaled 13.3%. One can properly state, in viewing this trend that the bottle of poverty is still more than half full, but it is worth noting that it is less full than before.

Special services to the disadvantaged have also been expanding, but the key point is that the total number of poor is now sufficiently small to contemplate rapid and large-scale action to end poverty. The Council of Economic Advisors now estimates the poverty gap, the sum required to lift all Americans out of nominal poverty, is less than $10 billion a year. That figure is not vastly beyond the recent increases in Annual expenditures on domestic programs. For example, in the coming fiscal year, despite the tremendous budgetary competition, President Nixon is proposing to expand human resources funding by $5.5 billion, a 10% increase over 1969.

At the same time there is serious thought being given to many different aspects of the poverty problem. Attempts to end the deprivation of children are a paramount concern. The Administration is now committed to a $2.5 billion program to combat hunger—still inadequate but a solid step forward. Since most of the poor are employed full time, contrary to the popular impression that welfare rolls are carrying most of the poverty-striken, special emphasis is directed toward manpower training and upgrading of job skills.

In short, these and numerous other important initiatives reveal something other than a decadent society. They suggest a nation worried about its integrity, as it should be, and concerned about its people, as it must be. They suggest that this is a time for pitching in, not for opting out. They indicate the awakening of a very imperfect society, trying to be better than it is. And that, I submit, should give a measure of hope to us all.

My message today is a simple one. Lest it be misunderstood in the more complicated discussion of social trends and innovations, let me state it briefly.

This country has profound and pressing social problems on its agenda.

It needs the best energies of all its citizens, especially its gifted young people, to remedy these ills.

Let us not dissipate these energies on phony issues or misguided missions.

Let us not mistake the vigor of protest for the value of accomplishment.

Let us direct the zeal of every concerned American to the real problems.

Let us foresake false drama for true endeavor.

Let us, in short, recognize that ours is a precious community that demands and deserves the best that is in us.

FORCED LABOR CONVENTION IS CONSISTENT WITH OUR FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, the Convention on the Abolition of Forced Labor was adopted by the International Labor Organization at Geneva on June 25, 1957. It was submitted to the U.S. Senate for ratification in 1963 where it has remained lodged ever since. In discussing this treaty, I refer to the testimony given by Mr. Arthur Goldberg in his appearance before a Human Rights Subcommittee of the Foreign Relations Committee on February 23, 1967:

> One of the principal proponents of this convention was the American labor movement, and the reason the American labor movement was so interested in this convention at the ILO was a part of history we all know, the horror and the reaction by the United States and our people to forced labor camps and other totalitarian devices which we find to be completely inconsistent with those human rights which our Constitution provides, and this is why our labor people who participated as workers' delegates at the ILO Convention, took such a prominent part in urging the adoption of this revolution, and this is why they were assailed pretty vigorously in the press of many totalitarian countries.
>
> We do not in our country subscribe to the use of any forced labor as that term is commonly understood. We have no forced labor camps. The only "forced labor" which might occur would be connected to punishment for a crime and as part of that punishment and, as I shall point out, this convention does not reach that type of punishment which is permissible for crimes which are validly designated as crimes under our Constitution, and we refer again to the 13th amendment as the basic source of this statement because, you remember, I read the amendment and it said not only slavery but involuntary servitude, except as punishment for a crime, is prohibited by our Constitution.

Opponents of ratification have claimed that passage of this treaty would result in a potential conflict as to just what is and what is not permissible to be uttered as public speeches. More specifically, questions and complications would allegedly arise as to how one would handle an individual who continued to espouse contrary ideological views. But there is absolutely nothing in this Forced Labor Convention which would in any way contravene with the decisions of our Supreme Court and the Smith Act. As Mr. Goldberg points out:

> The decisions in both Dennis and Yates . . . make it very clear that, consistent with the first amendment, there cannot be and should not be, and nobody would urge, and Congress did not provide, that punishment should be criminally extracted for the holding or expressing of views, abstract views or political doctrines, however obnoxious the doctrine may be.

In fact, both of these decisions seem to indicate that what is forbidden was a conspiracy to support and teach views linked with a course of conduct; specifically, the advocacy of the violent overthrow of the Government of the United States. So as Mr. Goldberg says:

> There is nothing in this convention which would in any way undermine any act of Congress. This Convention merely states in this respect what our first amendment states, you cannot be sent to jail for expressing views. There is no immunity in this convention and none would arise from this convention for those who advocate or attempt the violent overthrow of the Government.

Mr. President, I think we have delayed too long. This convention, along with several other treaties dealing with international human rights, have been laying fallow in committee for too long. I believe our constituents deserve to know why we have been afraid to act on them, why we have continued to sit quietly hoping for them to magically disappear overnight.

There is not a fellow Senator among us today who thinks that the United States should become a weaker nation or renege on its important and necessary commitments to the world. No one wants to be accused of being an isolationist. And yet, Mr. President, our glaring failure to ratify this convention sticks out for the world to take note of—for our enemies to exploit and use to their own advantage.

We have continually gone on record as being the Nation which champions the cause of the dispossessed and the persecuted. If we continue to be reluctant to act on these conventions before us, then our image must then be tinted with hypocrisy. Mr. President, I strongly request my colleagues to join with me in making the ratification of this Forced Labor Convention and the other human rights conventions before us, one of our most urgent and pressing matters of business.

GOVERNMENT SUBSIDIZATION OF THE OIL INDUSTRY

Mr. HART. Mr. President, the exact figures we get depend on just who is doing the calculating. But high or low, there is no argument that Government subsidization of our oil industry is costing this Nation billions of dollars annually. Some comes out of taxes—some directly from the pockets of consumers in the form of high gas prices. As an example of the magnitude of the under-

writing this industry is getting, a conservative estimate is that consumers are paying $4 to $5 billion a year in higher gas and oil prices simply because of the oil import program.

Many statistics relating to the cost of this program were laid out on the record of recent Senate Antitrust and Monopoly Subcommittee hearings. Some of these have been capsuled in a June 13, 1969, article in Time magazine, which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Mr. President, the article also makes a point which is most significant in light of these high costs: that although the subsidies were intended to "protect national security" by preserving our domestic reserves, the theory has not worked.

By many indicia used, exploration and discovery of domestic oil is falling. In fact, the industry itself estimates that by 1985, 85 percent of the Nation's oil needs will have to come from reserves not yet discovered.

EXHIBIT 1

OIL: BATTLE OVER SPECIAL PRIVILEGE

In more ways than one, oil is power. It provides 75% of the U.S.'s energy, serves as the basis of some of its most fabled personal fortunes and influences its foreign and domestic policy. Now the Nixon Administration and the Congress are conducting some long-overdue reappraisals of the Government's policy toward the oil industry itself. The question increasingly asked in Washington is whether the industry should continue to enjoy its privileged position with regard to income taxes and import controls.

To find answers, President Nixon has appointed a task force that includes practically his entire Cabinet and ordered it to report to him this fall on oil policy. Two congressional committees are also scrutinizing the industry. The inquiry is likely to be more intense than in the past, since many of oil's longtime friends in high places have departed. Lyndon Johnson has retired; former House Speaker Sam Rayburn and Senator Robert Kerr are dead. Louisiana's Russell Long is left to defend the industry against such Senate reformers as Edward Kennedy, Edmund Muskie, Philip Hart and William Proxmire. Oilmen have mobilized their own forces in a desperate battle to protect their interests.

DWINDLING RESERVES

The prime target of the critics is the oil depletion allowance. It permits owners to deduct from their taxable income 27½% of the value that each well yields; moreover, the deduction can be taken as long as the well produces, even if the original cost of exploration and development has been returned many times over. The allowance was partially responsible for the fact that no taxes at all were paid by 155 U.S. citizens who earned more than $200,000 in 1967.

Oilmen argue that the special allowance is necessary to compensate them for the tremendous costs and risks involved in prospecting for oil, and to give them extra incentive to search for more of it. The search has been slowing lately. Since 1957, the number of new wells drilled in the U.S. has dropped 40%; domestic reserves have remained nearly constant but demand for oil has increased by as much as 29%. Two weeks ago, Michael A. Wright, chairman of Humble Oil, told Senator Hart's antitrust subcommittee that 87% of the nation's oil needs by 1985 will have to come from reserves that have not yet been discovered.

QUOTA SYSTEM

Even so, Congress has not been persuaded that exploration would be discouraged by a reduction in the depletion allowance. On Capitol Hill, the feeling is growing that the allowances, which cost the Government about $1 billion a year in lost taxes, are indefensible from the viewpoint of tax equity. Partly because of its tax privileges, the oil industry has fairly high profits. Oil companies earn an average of 11.2% on their invested capital, which is slightly above the norm for all U.S. industry; they also earn 10% on sales, which is about double the figure for other U.S. industry. Oilmen seem reconciled to seeing the allowance cut to 22½% or perhaps less, and the depreciation limited to fixed periods instead of the lifetime of the well.

Another target for congressional fire is the oil import-quota system, which helps keep domestic oil prices up by keeping foreign oil out. Middle Eastern oil costs about 4¢ a gallon compared with U.S. oil's 7¢; best estimates are that the quotas oblige U.S. customers to pay $4 billion to $5 billion a year in higher oil and gasoline prices. Imposed by the Eisenhower Administration in 1959 on the grounds of "national security," the quotas limit imports of crude to 21% of domestic production.

Like the depletion allowance, the quota system is also justified as a means of encouraging exploration for more domestic reserves. The quotas, according to the oilmen's argument, save the U.S. from becoming too dependent on the oil sheiks of the unstable Middle East. They would probably raise their royalties—and thus the price—if the U.S. needed substantially more oil.

On the other hand, the protectionist system forces the U.S. to use up its reserves at a time when much cheaper oil is readily available abroad. Senator Hart has, perhaps extravagantly, accused the oil companies of "playing Russian roulette with national security" by supporting import restriction while drawing down the domestic supply. Ted Kennedy scoffs that the industry maintains that "our reserves will be conserved if we consume them first." In view of such attacks; Congress is likely next year to increase the import qoutas.

HELP FROM THE NORTH

The whole debate has been intensified by the discovery of a huge pool of oil under the snows of Alaska's North Slope. The biggest new find in the U.S. since the East Texas strike of 1930, the North Slope promises to lessen U.S. dependence on oil from the Middle East. Walter Levy, internationally known oil consultant, estimates the find could run as high as 20 billion barrels, enough to increase U.S. reserves by two-thirds.

For their part, oilmen maintain that they would not have risked North Slope drilling without the depletion allowance, and claim that the allowance is necessary to spur further development. Despite the likelihood of a cut in the allowance, however, the managers of Atlantic-Richfield, British Petroleum and Jersey Standard believe that the find will be so profitable that they plan to invest $900 million in an 800-mile pipeline. It will bring the oil to the ice-free port of Valdez, Alaska. In order to expand its marketing of Alaskan oil, British Petroleum last week announced its intention of merging with Standard Oil of Ohio, whose stock promptly shot up 27½ points to close at 98½.

Humble Oil's executives, hoping to succeed where Explorer John Cabot failed, announced last week that they are fitting out the 115,000-ton tanker *Manhattan* as an icebreaker for a pioneering—and perilous—test run the long ice-choked Northwest Passage to the Arctic next month. Denver's King Resources Co., wagering that the *Manhattan* will make it, has drafted plans to build a deep-water port in Maine's Casco Bay. That port is even closer to the North Slope than Seattle is. No Alaskan oil is expected to be delivered to any of the "lower 48" states before 1972 at the earliest. But its existence may provide Congress with the reasons it needs to make some major changes in the oil industry's present privileges.

PRESIDENT NIXON'S UPCOMING TRIP TO RUMANIA

Mr. MONDALE. Mr. President, an editorial discussing President Nixon's proposed visit to Rumania appeared in this morning's New York Times. The editorial pointed out that the President could have "given greater substance to this visit if he had asked Congress to liberalize the export control law to allow an expansion of American trade with Communist countries."

An editorial which appeared in the New York Journal of Commerce 2 weeks ago discussed the administration's position in light of legislation being considered by the Banking and Currency Committee. In addition, the Minneapolis Tribune published an editorial in support of the effort within the Banking and Currency Committee to reform the Export Control Act.

I ask unanimous consent that the editorial entitled "The President's Travels" from the New York Times of Monday, June 30, 1969, the editorial entitled "Bait for a Political Deal?" from the New York Journal of Commerce for June 18, 1969, and the editorial entitled "Self-Defeating Trade Restrictions" from the Minneapolis Tribune for June 20, 1969, be printed in the RECORD.

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

[From the New York Times, June 30, 1969]

THE PRESIDENT'S TRAVELS

President Nixon seems to place great store in brief visits to other countries for direct talks with their leaders. At this stage in what he calls a transition from an era of "confrontation" to one of negotiation with the Soviet bloc, he has accepted an invitation to Rumania in early August after earlier visits to five Asian countries.

Rumanians will undoubtedly be pleased at this first visit by an American President. If things go well, Mr. Nixon will arrive in Bucharest basking in the success of the Apollo 11 moon trip, having watched the splashdown in the Pacific. He will find it interesting, and perhaps highly useful, to talk with President Ceausescu, whose independence within the Soviet bloc has often infuriated the Kremlin.

There are hazards in fleeting summitry and in this particular mission, however, Mr. Nixon obviously picked Rumania for his first Presidential venture into eastern Europe because Mr. Ceausescu has defied Moscow on major questions, including the invasion of Czechoslovakia last year.

If Russia regards the Nixon visit as an attempt to widen fissures in the Soviet camp it may harden its attitude on arms control negotiations and other key East-West questions. Mr. Nixon may hope his visit will encourage greater independence from Moscow by the Warsaw Pact countries; but it could have the opposite effect of making any show of independence more perilous.

Nor should the President lose sight of the fact that he will, in a sense, be bestowing his blessing on a regime that, regardless of its defiance of Moscow, remains a brutal Communist dictatorship, more oppressive by far than the one in Hungary and even the restored hardlining Government of Czechoslovakia.

Mr. Nixon could have given greater substance to this visit if he had asked Congress

to liberalize the Export Control Law to allow an expansion of American trade with Communist countries. Instead, he appeased right-wing Republicans by calling for renewal of that restrictive relic of the cold war era.

Presidential visits can be useful exercises in good-will and diplomatic maneuver but they cannot be a substitute for policy.

[From the New York Journal of Commerce, June 18, 1969]

BAIT FOR A POLITICAL DEAL?

With less than two weeks to go before the Export Control Act is due to expire, a good many people are striking some curious postures on the manner in which it should be extended.

Senator Dirksen, writing in the current issue of Readers Digest, says this isn't the time to loosen controls on East-West trading because the dependence of the Communist states on western technology "represents a vulnerability that should be capitalized upon." If his premise had been halfway correct his conclusion might at least have had a point. But it wasn't. There is nothing in the act that denies Communist countries access to the most advanced technologies of Western Europe, as witness the fact that while Americans don't sell computers in Eastern Europe, Western European manufacturers do.

The Nixon Administration takes the attitude that any easing of East-West trade controls must be part of a package deal, partly political in nature, and that this is not the proper time for it. It has apparently forgotten the observation in Mr. Nixon's inaugural address that in U.S.-Communist relations "after a period of confrontation, we are entering on an era of negotiation." Apparently the beginning of that era is to be somewhat delayed, for what the administration now wants is a four-year extension of the Export Control Act in its present form through June 30, 1973. Did we say "somewhat delayed?" Delayed right into the next Presidential term.

To us this is all very disappointing because there are a number of proposals before Congress that would extend the act in a manner that would allow for greater flexibility in enforcing it.

One, sponsored by Senators Muskie, Mondale, Packwood and Harrison Williams, would control U.S. exports to Communist areas only in items having a "significant military applicability" rather than all those of "economic" importance. Another, introduced by Senator Magnuson and 23 of his colleagues, would give the President authority to grant most-favored-nation treatment to imports from those Communist states willing to provide basic protection for U.S. commercial interests in the treatment of patents, royalties and the like (Communist China, North Korea, North Vietnam, Cuba and East Germany would be barred from this treatment, however).

We find it hard to understand why the administration should not, at the very least, accept the Magnuson proposal. It is permissive in nature. It wouldn't bind the administration to give MFN treatment to any country not accorded it now. (Yugoslavia and Poland are the only Communist states currently getting this treatment. Imports from all other Communist states must pay the high levies established in the Tariff Act of 1930).

It is, of course, understandable that the administration doesn't want to negotiate on this matter now. What is less understandable is its feeling that Congress should not give it merely the authority to negotiate a more rational approach to East-West trading until four long years have passed.

A reason frequently given for making no change in the present restrictions is that this nation's trade with Communist states is too small to be worth bothering about.

Of course it's small, but the Export Control Act is one of the prime reasons why it is small. If one cannot say the same about trading between Eastern and Western Europe, isn't it just possible that one reason might be that Western Europe doesn't apply such severe curbs to this trade?

As matters stand, the United States Export Control Act spreads like a protective umbrella over the industries of Western Europe that can produce sophisticated equipment and market it in the Communist areas with virtually no fear of competition from American exporters. In most major respects, notwithstanding Senator Dirksen's imperfect comprehension of what is happening, Eastern Europe suffers little from the workings of this statute. The sufferers are the American exporters and the American balance of payments.

Finally, it is a little odd to hear a normalization of trade relations discussed as though it were something, like foreign aid, in the nature of a gift bestowed by a benign Washington on some hapless economic areas abroad. Or that a withdrawal of the punitive Smoot-Hawley tariff rates, which so burdened the more efficient potential American exporters in the 1930s, would amount to the same thing.

We have always been under the impression embodied in the Trade Agreements Act that the exchange of goods and services is not a one sided affair of benefit to one group of nations but a burden on others. It is not something we normally hold out as bait for a political deal, but an opportunity for economic progress at both ends of the exchange.

That, at least, is the way Washington looks at it where most of the world is concerned. Why does it suddenly take on the attributes of an act of charity when the discussion comes to Poland, Rumania, Czechoslovakia, Rhodesia or the Republic of South Africa? Shall we have to wait four more years to get an intelligible answer?

Perhaps during the next week or 10 days Congress will think better of it.

[From the Minneapolis (Minn.) Tribune, June 20, 1969]

SELF-DEFEATING TRADE RESTRICTIONS

An effort to change a 20-year-old policy of restricting American trade with Eastern European Communist countries is gaining in the Senate, where a committee is likely today to approve a bill liberalizing East-West trade regulations.

The bill, whose chief sponsors are Sens. Muskie and Mondale, is intended to replace the Export Control Act of 1949, which expires June 30. The new proposal would continue to prevent export of strategic and military items, while dropping the network of controls on goods judged of "economic' 'importance only. In addition, the bill would eliminate a requirement that half the wheat and feed grains sold Russia, and half the feed grains exported to most Eastern European countries, must be shipped on American vessels—a requirement which represents a serious obstacle to trade expansion.

The bill is in keeping with today's American foreign policy, which recognizes that Communist nations do not represent a monolithic bloc. It reflects the reality, conceded by the State Department in testimony, that withholding trade has "limited significance," at best, in influencing the policies of Eastern European nations. Many experts claim that increasing trade contacts could have a beneficial effect on the policies of these nations.

In addition, U.S. refusal to trade with Eastern Europe no longer means—as it once might have—that Communist nations are denied products. The result, instead, is to deny U.S. farmers and businesses access to an Eastern European market which is being tapped by other countries, or—as Mondale has observed—to drive the satellite nations toward greater economic dependence on Russia.

Unnecessarily broad restrictions on trade seem self-defeating at a time when this country is searching for ways to expand farm exports and to improve its balance of payments. The Muskie-Mondale bill, on the other hand, offers potential gains that are both economic—by benefitting American workers, manufacturers and farmers—and political—by encouraging constructive trends in relations between Eastern Europe and this country.

TAX REFORM

Mr. METCALF. Mr. President, by now each of us has received a complete set of the hearings on tax reform that were completed in the House on April 24. I find many of the statistics gathered during the course of those hearings rather startling.

For example, when we examine the tax brackets that people are actually in at the various income levels, we find that up to the $50,000 level an individual's tax bracket keeps moving up the scale just as we would expect it to do under a progressive tax. For income groups above $50,000 but under $100,000, the upward movement in effective rates begins to flatten. By the time we reach an examination of taxable returns of individuals with incomes above $100,000, we find that the central range of effective rate moves backward to produce the following result in the $1 million and over group.

Seventy-five percent of the people who have actual incomes of $1 million and over pay only an effective rate of between $0.20 to $0.30 of tax on the dollar. This may be compared with taxpayers in the group between $20,000 and $50,000 of actual income, where about three out of every five taxpayers pay at the same effective rate, yet the $1 million and over group per taxpayer makes over 50 times as much money a year.

Surely no one can disagree with the statement of former Assistant Secretary of the Treasury, Stanley S. Surrey, when he commented on these statistics during the course of his testimony last February, and I quote:

> The obvious departure from the ability to pay concept and from elementary standards of fairness is self-evident in these statistics. Whether a person is below the poverty line or whether he is in the group between $20,000 to $50,000, he is certainly warranted in feeling that the income tax is not working fairly.

Mr. President, I see no reason why we should have to wait any longer before we begin to discuss the causes of unfairness in our present tax laws. Since we have the benefit of almost 6,000 pages of hearings already held this year, there is no reason why we cannot get a headstart on our own deliberations.

WAYNE STATE UNIVERSITY PROFESSORS ENDORSE S. 1591, BILL TO ESTABLISH AMERICAN FOLKLIFE FOUNDATION

Mr. YARBOROUGH. Mr. President, I recently received a copy of a letter

which was sent to my distinguished colleagues from Michigan Senators HART and GRIFFIN. This letter, signed by four members of the faculty of Wayne State University in Detroit, Mich., endorses S. 1591, my bill to create an American Folklife Foundation. The letter indicates that the professors have a clear understanding of the need for the sort of body I hope the Congress will create.

Mr. President, I ask unanimous consent that the letter from the four professors at Wayne State University, dated June 2, 1969, together with their signatures, be printed at this point in the RECORD.

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

WAYNE STATE UNIVERSITY,
Detroit, Mich., June 2, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D. C.
Hon. ROBERT GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SIRS: Recently our attention was called to the Senate bill S. 1591 proposed by the Honorable Ralph Yarborough and William Fulbright concerning the establishment of a national folklife program under the auspices of the Smithsonian Institution.

As faculty members of Wayne State University currently engaged in the teaching and study of folklore and folklife in the United States, we are urging you to give your full support to this bill.

In these troubled times when there is so much racial unrest, intercultural conflict, and economic and social inequity which divides American society, it is imperative that we know as much as possible about traditions, life-styles, and forces of habit which both unite and divide us from one another. Traditional attitudes, beliefs, customs, and stereotypes, for example, in a very large part determine how a group communicates within itself and how it interacts with the larger mainstream of American culture. The study of such material along with the saying, songs, legends, tales, and traditional manner of living in a given subculture of that group which frequently are unavailable to scholars and social scientists through more direct approaches.

The analysis of ghetto lore and life may enable social planners to more effectively bridge the gap between ethnic and racial groups in urban areas. The study of traditional southern mountain health practices may contribute to an understanding of the problems these people face when they encounter alien and seemingly impersonal medical facilities in large northern cities. In short, our point is that in addition to the study of American folklife and folklore as an important part of the national heritage, a knowledge of the traditions of the many regional, ethnic, and occupational groups in American society may be applied towards the solution of pressing social problems facing this country today.

Our only other concern is encouraging you to support this bill is that top qualified personnel be secured to administer the program which would result from its passage. The subjects of folklore, folksong, and folklife attract many amateurs as well as professionals, some of whose enthusiasm far outstrips their grasp of the subject matter. We feel that there is room for both amateurs and professionals in the proposed folklore and folklife foundation if the government will carefully scrutinize the qualifications of those individuals nominated for Board Director and/or other employment with the foundation.

Sincerely,

ELLEN J. STEKERT,
Associate Professor, Department of English.
RICHARD A. REUSS,
Assistant Professor, Department of Sociology and Anthropology.
JACK FRISCH,
Assistant Professor, Department of Sociology and Anthropolgy.
PAUL D. EDSON,
Assistant Professor, Department of Sociology and Anthropolgy.

HUNGER IN ILLINOIS

Mr. PERCY. Mr. President, last Friday, June 27, the Senate Select Committee on Nutrition and Human Needs traveled to East St. Louis for a 1-day hearing. During the day we had a number of witnesses before the committee testifying about the extent of hunger in the East St. Louis area, the effect malnutrition has on the health of individuals, and the programs which are now in operation in East St. Louis to bring food to the hungry.

The national director of Operation Breadbasket, an organization affiliated with the Southern Christian Leadership Conference, the Reverend Jesse L. Jackson, testified before the committee. He appeared at the conclusion of a statewide campaign against hunger which took him to all corners of the State of Illinois.

Reverend Jackson's statement was moving, dramatic, and challenging. In order that this statement might be shared with all my colleagues here in the House and Senate, I am asking unanimous consent that it be inserted in the RECORD at this point. I would like to point out that Reverend Jackson has made some strong statements in his testimony and I welcome any citizen from Illinois or elsewhere, who may wish to comment on the Reverend's statement or to challenge any part of it, to address their comments to me here in the Senate in Washington.

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

THE REVEREND JESSE L. JACKSON, NATIONAL DIRECTOR, OPERATION BREADBASKET OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, JUNE 29, 1969

On behalf of the ministers of Operation Breadbasket of the Southern Christian Leadership Conference I come to testify at this hearing, in an endeavor to make an appeal concerning the greatest domestic crisis of this century. At this moment in our national history, the United States of America finds itself forced to face truths of awesome and appalling dimensions for our states, including this state, Illinois, and our nation are riven by great divisions.

There are divisions between young and old, (which we casually call "the Generation Gap"), divisions between hawks and doves over how we prosecute a war which persecutes a nation of poor people, a war which ironically and ominously is right now being diligently pursued while we persist in talking of peace at the conference tables of Paris. And so we are struck by the truth of the ancient saying that men yet cry out for "peace, peace, yet there is no peace."

There are divisions growing out of racial antagonisms which polarize the relationships between blacks and whites in this society. We sit today in this hearing in East St. Louis, one of the southernmost and most polarized communities of Illinois, a state which we like to refer to as the Land of Lincoln. Even as we sit comes again ringing across the years the timely and needed counsel of the Great Emancipator who said "a house divided against itself cannot stand." Lincoln, in a sense gave his life as did the founder of our organization, Dr. Martin Luther King, Jr., in order to bind up the wounds of racial cleavage in our national community.

There is a great division in America, today, between the rich and the poor, the "haves" and the "have-nots," the affluent and the poverty-stricken. Poverty itself is a form of oppression which threatens the essence of man's existence, for men will steal before they will starve. The Bible's Book of Proverbs warns us that if a man is given too much, he will deny the Lord, but also that if a man is given too little, he will steal and defame the name of the Lord. (Proverbs 30) It is understandable, then, that those who are malnourished, and who thus might be physically deformed or psychologically impaired by the crippling circumstances of poverty and hunger are in a state of destitution, desperation and despair. It is a fact of life that people finding themselves drowning in poverty, losing a grip on life in their will to live, resort to the survival ethic of "any means necessary," violence nowithstanding, in an effort to find a solution for their problems. We are reminded of such truth in vivid fashion by Victor Hugo's *Les Miserables*, and by another great son of Illinois, Adlai Stevenson, speaking in Kasson, Minnesota in 1952, telling us that "a hungry man is not a free man," reinforcing Proverbs' comment that a hungry man is limited in his choices and so will beg, borrow or steal before he will starve. Finally, in this vein is the ancient wisdom of Diogenes who when asked what was the proper time for supper, answered that "if you are a rich man whenever you please, and if you are a poor man, whenever, wherever, however you can." Thus, it is incumbent upon the leaders of both the poor in substance and the rich and affluent who are too often impoverished in compassion to see beyond the poor's predicament and hasten us toward the elimination of poverty which is the root cause of so much of the present and persisting American Dilemma.

In that connection SCLC's Operation Breadbasket is presently deeply involved in the second phase of the Poor People's Campaign in Illinois. We have just concluded our first caravan, a campaign against hunger which has moved into all the corners of the state. We started with what was a mountaintop experience for so many of us when by the thousands we were drawn to Springfield, to the seat of state government. We were a cavalcade flowing into the capitol to stand up against a proposed legislative cutback in welfare funding, a despicable cutback which would have cruelly deprived hundreds of thousands of men, women and little children of food to eat, of clothes to wear, of medicines to make them well.

On that occasion all of us, marching in stirring unity and magnificent concert, moved against the mountains of chilly unconcern. We scaled upwards to the intoxicating heights, to the pinnacle of legislative victor. It was a triumph not only for the poor people in Illinois, but as well one for the processes of democracy, a victory which must go down in the annals of law-making as one in which the people and the legislators, black and white alike, rose up together and acted in the highest of moral tradition, effecting the shelving of the welfare cutback bill.

Since that headying triumph our caravan has returned to the low places of poverty and

tragedy. We travelled along the dusty backroads, down into the infernal pits where raging poverty stalks, where the demons of hunger roar, where rampant racism and terror prevail. We came down from the mountainous peaks of wealth and affluence which rise so high in Illinois, a state which is the third wealthiest in the nation, a state which ranks above all others, is No. 1 in the land in agricultural and manufacturing exports. Down we came, descending into the valley and there coming upon the disturbing pockmarks of poverty and disparity.

On June 12 we launched out into the deeps of this journey. Just as Ezekiel of old was inspired to go down into the dark and dangerous valley and to dwell there among the despairing and hopeless masses, so we, too, took a trip to the darkest of abysses and dreadful recesses. There we found the sunlight of hope eclipsed, we found ourselves witness to never-ending nightmares of deprivation. We saw seething poverty and its damnable consequences, reminiscent of Dante's Hell. The first rung of hell's ladder that we descended into was Rockford.

Rockford is a picture of tragic disparity and gripping despair. Despite some 643 thriving industries in that city, nearly 14,000 families have incomes which keep them locked in the clutches of poverty, where the hyena-like pangs of hunger rip away nightly at the bellies of little white children. Rockford vividly depicts for all to see that one of the most salient and sobering truths about poverty and racism is that hunger knows no color line, that even though percentagewise there are more black children going hungry than white children, in terms of absolute numbers more white children than black to to bed hungry every night in Illinois and throughout America.

The next rung of descension on the ladder of hell and hunger in Illinois was that of Peoria. Peoria, with over 3100 bustling industrial units. Peoria, with its Caterpillar Tractor Company, turning over 1.7 billion dollars in sales, yet a city containing the second highest concentration of substandard housing in the state, Peoria, with the third largest number of low income families. Peoria, with the 6th highest rate of infant deaths in Illinois. Peoria, where the total unemployment rate reaches a staggering 29 percent in some sections of the city.

Next on our Dante-like descent into the economic infernos of Illinois was Decatur. Decatur, America's soybean capitol. Decatur, which processes over one-third of the state's grain in its graineries. Yet in this place ranking so high in the production of foodstuffs, we were confronted by an unemployment rate exceeding 8 percent, we found 4500 families making under $2500 a year, constituting nearly 12,000 starving people. What despair, what a differential, what a valley of disparity, and ironically where mountains of foodstuffs abound.

An even deeper valley of despair is East St. Louis, with its non-white unemployment rate a staggering 29 percent, with the largest percentage of adults with less than eight years of formal education, with the state's greatest percentage of unsound housing, a city with over 70 percent of its population being black and where stark racism and poverty provoke young men to frustration and crime, where lilywhite juries are jamming medieval dungeon-like jails with young black men, unconstitutionally tried by juries not of their peers.

Truly the deepest pit of poverty and despair into which we trekked was that of Cairo, little Egypt, itself, where modern day Pharaohs of racism reign, where the founding father of the midnight-riding Ku Klux Klan-like White Hats vigilante group is none other than the county's highest law enforcement officer, the notorious Peyton Berbling.

Cairo, where we found blacks victimized not only by gripping poverty, but under a state of military siege and penned in by murderous rifle, literally, walking through the valleys of the shadow of death.

Among the whites of Cairo there is a 10 percent unemployment rate while among the blacks the rate soars up to 35 percent. In a city of less than 9000 persons we found over 3700 hungry men, women and children. We found Cairo a dying city, one of the few communities in the nation where the death rate exceeds the birth rate. Like Ezekiel of old, we had truly come upon a Valley of Dry Bones and the question large-looming before our eyes and ringing in our ears was—Son of Men, Concerned People of Illinois—can these Dry Bones Live?

When we arrived in Cairo we found a city in crisis with armed whites on the military offensive, rampaging against the insecure, frightened and virtually defenseless black community. As a result of our findings and our caravan's presence, a caravan which included State Representative Corneal Davis representing the caucus of Black Legislators, some measure of peace and order came to Cairo. The State Police came down, investigators from the States Attorney General's Office arrived, the U.S. Civil Rights Commission revealed the results of their special investigation, the Lt. Governor came up with his findings.

Yet underneath the sordid and racist fruits were more deeply implanted roots. In the depressing light of the city's dying economy, the poor whites saw themselves threatened and armed themselves against the blacks. The poor whites futilely tried to secure themselves against additional economic dislocation, trying to secure what little was left of the economy. In their blind frustration, the poor whites thought that the solution to their problem was in rendering blacks dead rather than in securing food so that their starving little children might be fed. Yes, for too long instead of an adequate diet, the poor whites had been fed a menu of racism.

On the other hand, the blacks of Cairo found their very survival, their right to life threatened. In consequence they prepared to defend themselves. Thus, both groups sought the elimination of each other rather than seeing that the problem was more than one of racial pigmentation, more than just black skins versus pink skins, more than White Hats versus Black Berets. And, in fact, rather than eliminating the other race, what was needed was the elimination of hunger, the eradication of poverty.

Last night, as every night, two-thirds of the world went to bed hungry because of maldistribution, poor transportation, and, in some instances, the scourge of war and international crisis. Thus, it is understandable though not justifiable that this condition would exist in many parts of the world. In some instances, the lack of agrarian development and technology accounts for the problem. In many instances the topography and eroded and depleted soil is the reason. In other instances the land is over-populated, resulting in under production and consumption beyond the available supply. For instance a nation such as India can elicit a compassionate response to their hunger problem from those who understand the gravity of this cycle of under-production and over-consumption.

American, however, over-produces and under-consumes. We live in a land of surplus at one end, and starvation at the other end. The great problem is the corruption at the level of distribution which reinforces the gap between the over-fed and the under-fed, between the greedy and the needy. I can understand that the effect of racism would allow white men to rationalize the starving of black men. White men can, at least, say that they never knew us or that the cataracts of racism blinded them and rendered us invisible since our relationship is one of historical estrangement anyway. But what is the rationale for white men starving their own people or permitting such starvation and suffering among poor whites who numerically outrank blacks in the absolute count of the impoverished? We hear the ancient warning that money is the root of evil. I ask men from the ruling class in America, is your urge for more clothes than you can wear, more cars than you can drive, more food than you can eat, is it that which causes you to forsake your own mother and blood brother? If this be the case, then the rest of the dilemmas of White America relative to the crisis of race relations is certainly cleared up. And America is nothing but a case study in cancerous, coldheartedness.

In this nation of 200 million people with a gross national product of over 900 billion dollars, we still have (conservatively) 40 million people listed as "poor," that is with incomes of less than $3000 a year for a family of four. This is validated by government research and categorized by hunger committees as malnourished due to insufficient commodities.

But fully 10 million of the 40 million who are included in that one-fifth of the nation listed as destitute are children with bloated stomachs and brain damage, who resort to eating red dirt, laundry starch, and lead paint. Physicians call this disease "pica" where hunger manifests itself in such abnormal ways.

It is understandable but not justifiable that this would be true in states that are not blessed with fertile soil or where the ecology does not provide the recources such rivers and lakes which attract manufacturing industries or firms. However, the state of Illinois cannot be judged with the state of Utah for our soil is fertile here in Illinois.

Moreover, as I indicated earlier Illinois is the number one agricultural export state in the nation, and the number one manufacturing export state in the nation. According to recent studies, Illinois is the third wealthiest state in the nation. The state possesses some 329 million dollars of earmarked monies in special funds, and a total of 861 million dollars in all earmarked funds. This is money that we choose not to spend or to make available to the general treasury funds. Among the programs where Illinois' inadequate commitment borders on the culpable is the food stamp program. Illinois serves 68,602 fewer people under food stamps than it did under the federal food commodities distribution program, a drop of 61 per cent. Half the counties in Illinois reach only 3 percent of the poor persons eligible to participate in food stamp distribution, that per cent served being the lowest—along with that of Nebraska—in the nation.

Our abuse of opportunities to feed the hungry and eliminate poverty in this state is most vividly expressed by the fact that we levy the same taxes for corporations as we do for individuals, thus compelling the poor to pay more. Illinois has the second highest sales tax in the nation, outranked only by the tax levied in Alabama. Moreover since 60% of the state revenues are from sales taxes, the poor bear the burden of providing the major share of state revenues. Illinois liks to compare itself with New York and California in citing its achievements; however if our corporation tax compared to that assessed by New York or California, the burden of the poor would be measurably lightened.

Some 150 million dollars comes into Illinois in subsidy payments to affluent farmers, according to Representative Paul Finley; these payments are made to farmers not to grow food or fiber. Yet the state has not chosen to match a six million dollar grant to conduct a school lunch program. As a result only 14,000 children in Cook County could receive free school lunches, when there are

actually some 200,000 poverty families with school-age children in that area. Again, according to this very committee, the Senate Select Committee on Nutrition and Human Needs, there are some 629,000 Illinois households, which amounts to some 2 million people, where hunger is a daily reality.

Families on welfare are forced to live on welfare budgets which guarantee that they will starve or steal. Reputable physicians state that a balanced diet for a family of four for three meals a day cost $7.00, using the National Research Council's minimum nutritional standards. The state of Illinois allots only $2.17 a day for a family of five. Such a ceiling by the Department of Public Aid deepens the hunger of its recipients.

In Illinois SCLC's Operation Breadbasket has drafted up and fought for a Human Subsidy Bill that proposes:

(1) That the Governor would consider the 629,000 Illinois households who are in poverty and hunger serious enough to declare hunger in this state a disaster. This would mean invoking the man-made disaster act.

(2) That this state recognizes earthquakes, fires, and floods as acts of nature or God, as acts of disaster, the state should also recognize erosion of soil, misuse or improper use of funds and the existence of massive hunger, as man-made disasters. In such man-made disasters, the state would employ all the necessary emergency apparatus, such as emergency food and medical supplies, to cope with the situation.

(3) That a percentage of income tax sufficient to eliminate hunger would be earmarked for that purpose. Among other things Illinois should establish a hunger tax. *To have a greater concern for soil eroding than man's eroding is an indictment upon the American value system.* It is radically inconsistent with the credo—government of the people, by the people, for the people. Such misdirected values would never be the people's choice.

(4) That the state initiate forthright drives to give people vocational training for jobs, and would conduct concerted attacks on those trade unions which lock black and poor out of the job market. (Such emergency job training was set up during World War II throughout the U.S.A.)

In light of the fact that this is a federal governmental hearing, points 5 and 6 of the bill, initially directed to the Governor, are here presented as applicable to the President.

(5) That the President would understand the irreparable psychological damage to the poor and disinherited created by the suggestion of his party leaders that the allotments to sustain the poor be reduced in this Congressional session. We are saying that in this session of the Congress where Mr. Nixon reigns as President that he must be forthright in his effort to subsidize the poor rather than to pauperize and embarrass the poor. If such is not done and the President remains silent, his silence will sanctify the cruelty and will be a betrayal of the poor. . . and, in fact, would be a declaration of war. . . upon the poor.

(6) That a school breakfast and lunch program be instituted in every school in the nation.

Men of justice cannot halt between two opinions when tens of thousands of lives are at stake. And it was indeed heartwarming and an action exemplifying justice when just yesterday in response to the presence of thousands of us from all over the state who had come together as part of SCLC's Operation Breadbasket's continuing campaign against hunger, the Illinois House of Representatives, in session in Springfield, resolved by an overwhelming majority to support our Human Sudsidy Bill and, in addition, to push for support of the bill's program in terms of federal legislation and funding.

We contend that the very attitude of the public toward the poor and toward welfare must be changed. Why cannot this change begin in the Land of Lincoln and extend to the entire land over which he was president and for which he gave his life. We maintain that those persons on welfare should not be seen as criminals or prisoners, nor as the results of an innate will not to work. Rather the poor must be seen as products or as results of advanced technology. It must be recognized that their years of blood, sweat, tears, cheap labor, and human sacrifice helped to usher in that advanced technology. These years represent an investment that should not be returned marked "Insufficient Funds."

As opposed to "welfare" we should use the term and develop the concept of human subsidy. The poor would then not be viewed as prisoners who have committed some wrong, but would be recognized as the very vanguard of the twentieth century. Let us strike the word "welfare" from the records, remove all reference to the Pauper's Act, and subsidize the poor just as we presently subsidize the rich.

In this way we would employ the understanding of authentic worship as expressed in Biblical writings of the prophet Micah, the sixth chapter, verses 6 through 8, namely, we will follow his admonition to do justice, to love mercy, and to walk humbly before God by walking honestly and acting decently before our fellow men.

Mr. PERCY. Mr. President, another statement that was presented to the committee by Dr. Albert Thomas, of Chicago, contained information concerning the medical aspect of the hunger problem which I believe should also be widely read and better understood. For these reasons, I ask unanimous consent that the statement prepared by Dr. Albert Thomas of Chicago be printed in the RECORD.

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

STATEMENT OF DR. ANDREW L. THOMAS

Chairman McGovern, honorable senators, ladies and gentlemen, I am Dr. Andrew L. Thomas, President of Cook County Physicians' Association headquartered in Chicago; Secretary, House of Delegates, National Medical Association; and a practicing internist in the city of Chicago. I welcome the opportunity to relate my experiences to this distinguished panel of senators who will, hopefully, gain sufficient information to move the appropriate forces in Washington to answer the critical need for at least 10 per cent of our population.

The existence of the Senate Select Committee on Hunger and Human Needs illustrates clearly that there must be a problem. The nature of the problem and its degree of severity are points to which I shall address myself. First let me commend this Committee for asking physicians to get directly involved in presenting testimony regarding the question of hunger.

The varying degrees of hunger, or more properly, malnutrition are determined by location. What happens in Mississippi differs from what happens in westside or southside Chicago, but the one common denominator is the absence of suitable nutrients for maintaining a state of sound health. However, I would like to focus mostly upon the problems as seen in our urban areas, Chicago being very typical.

My practice is located in the heart of the world's largest concentration of deprived people—the Robert Taylor-Ickes-Stateway Gardens Housing Development that runs in an unbroken line for twenty-two blocks along Chicago's State Street. I am involved with residents of that community at varying levels of activity. I have entered their homes, conversed with them, planned with them in various community projects, and lastly but now least, treated them as patients. They are mostly very good people yearning for the promise of democracy to be fulfilled. They have a great deal of despair that borders on absolute, irreversible hopelessness. They have dreamed and dreamed and dreamed, to the point where they now feel that their dreams are impossible dreams to fulfill. Their dreams are very simple. One of the most important dreams is that of securing dignity and being able to achieve the minimum level of subsistence that would be consistent with maintenance of good health. They have grown weary and they now are extremely impatient. I promised some of them that I would tell you that they see this Committee as the last viable hope that something will be done to liberate them so that they can become useful and productive citizens. I am here only because I, too, see this Committee under its distinguished Chairman and his fellow senators as men who are concerned and who will, hopefully, realize the extremely great responsibility you have of convincing your colleagues in Washington that hunger and other major deficiencies in American society must be corrected if democracy is to survive. Let us then look at some of the problems.

The problem of malnutrition is a problem of ill-health. When one considers the status of health among the underprivileged in the country, one must look at many consequences of malnutrition.

It is a cold, unadulterated fact that the infant mortality rate in the deprived areas of Chicago and other urban areas runs more than twice the national average. For example, in the Lawndale or westside area of Chicago, 46.4 infants die for every 1000 born alive while in the United States 23.7 infants die for each 1000 live births. Many scientific studies have shown that anemic mothers have a greater chance of having either a stillborn child or a mal-developed child who will most certainly be exposed to those kind of illnesses that will take his life before the age of two years. But if the mother is anemic because her nutrition is poor, it is quite clear that malnutrition is a leading cause of infant mortality.

In an unpublished study of various Chicago communities in 1968, the Chicago Board of Health nutritionists found that 41 per cent of nearly two thousand infants at an infant welfare station had iron-deficiency anemia while 46 per cent in a near northwest Latin American community had low hemoglobin levels. In a Chicago Board of Education study it was found that nearly one-third of all Chicago preschool children enrolled in Project Headstart had iron-deficiency anemia in the year 1965.

The bulk of iron consumed by the typical American who is not anemic comes from the eating of certain food substances, such as protein-rich, red meats. There is little hope that the typical impoverished person in our society will consume proper nutrients under current programs available to him. It is not surprising, therefore, that anemia is one of the most critical problems facing the urban dweller, be he Appalachian white, American Indian, Latin American or Afro-American! But there are other severe problems associated with malnutrition.

On any given day in the wards of the monstrous Cook County Hospital, one can find diseases such as Rickets—a condition medical texts describe as of historic interest only. Mental retardation and stunted physical growth and development will be found running rampant through deprived areas when the individual has managed to avoid death in his early years.

The high consumption of carbohydrates which, though cheap to purchase, insures the

bulk of the typical diet in the underprivileged areas, but is devastating to his health. A high carbohydrate diet is known to accelerate the tendency to obesity which, in the underprivileged areas, represents undereating rather than the overeating characteristic of the more affluent rich, fat, middle class individual. One can anticipate early onset of conditions such as Diabetes Mellitus, hardening of the arteries, heart disease, high blood pressure and other chronic, disabling conditions. Inadequate dietary intake also fails to help the body maintain the necessary defense mechanisms to ward off infectious diseases. Thus, TB rate per 100,000 in the Chicago area is astonishing. Chicago has 63 per 100,000, which represents one of the nation's highest. But in the near westside area where it is all black except for the absentee merchants, the rate is 220 per 100,000; while in Glencoe, Illinois, one of the more affluent suburbs, the rate is 3 per 100,000. To avoid Tuberculosis it is necessary to maintain a state of good nutrition and non-congested living arrangements. Neither option is open to the impoverished. The rats in the deprived areas even lead better lives than the humans! And, perhaps, when one of the rats who is a carrier of Bubonic Plague bites one of his victims and causes an epidemic of Bubonic Plague to strike across the urban and suburban areas of this country, then we might see a more responsive, affluent America dealing with the problems of the poor. But, we cannot wait for that type crisis to occur. Action must be taken now. I will not bore you with more and more statistics, but rather I think we can turn to some programs that may help to alleviate some of the conditions that exist.

Since everyone agrees that malnutrition has to do with illness, then it would seem most appropriate to look at the availability of forces for combating illness. First, many of the illnesses that occur in the malnourished are preventable. It would seem reasonable, therefore, that one should start from the beginning and try to prevent malnutrition. Thus, the initial efforts to alleviate the problem should be to eliminate the conditions that cause inadequate dietary consumption by the impoverished. To do this we must look at immediate and long-range goals. The long-range goals of any society should be to constantly improve upon the quality of life for all its citizens. This implies a commitment of public policy geared toward rehabilitating those who have been displaced by technological change to become productive and useful citizens. Here we talk about economics. I am no scholar on economics but feel that it is unnecessary for our economy to plan to have chronic unemployment or under-employment in order for us to survive as a nation when, in fact, it only insures our death as a nation. Every human being has a right to life, liberty and happiness. Thus, I believe we may be talking about re-defining work. Work in a society that I envision would include work by the welfare recipient. A mother who may have five children on ADC is subsidized by government. If she has no talent or cannot be trained to pursue the useful form of work, then she can be considered a working mother to many children. For example, she could be one of the mothers who could manage day-care centers with professional and technical assistance by the various agencies, both public and private, who are concerned with such problems. The significant thing is that her dignity would be preserved and she would be making a contribution to the advancement of American society by helping to train children to become useful and productive citizens of tomorrow. The development of such programs implies a total re-orientation of our thinking about caring for those in our society who cannot care for themselves. It requires discarding our welfare program, since it becomes clear that the patchwork needed for improving the welfare system in this country is such that it would prove very costly, while basic re-orientation to meaningful alternatives would be much more economical and more humanistic in outlook. The various proposals being discussed at varying levels of government such as the Finch, Moynihan plan and the Burns proposals, while going a step beyond our present welfare program; at best, can be considered stopgap measures. Such stopgap measures are important, but only if we hope to achieve in this country. My first recommendation, ultimately the total elimination of poverty therefore, is:

Appointment of a presidential commission, composed of representatives of all segments of American business, governmental and social life. This commission would be given a charge to look into every conceivable facet of our life as a nation to develop a plan to eliminate poverty in this country.

I mentioned from the outset that there is a crisis and obviously one meets the crisis with a crash program to achieve immediate goals. There is surplus food in this nation. Mr. Chairman, you wrote a distinguished record in the food for peace program of our late, great President John F. Kennedy. It seems to me that our task then would be to somehow get the surplus food to those who are starving. According to Dr. Arnold E. Schaeffer, Chief of the Nutrition Program in the Division of Chronic Disease Programs of the Health Services and Mental Health Administration, starvation does indeed exist. It would seem ridiculous that the federal government, having supported such studies, would not take the necessary action to get foodstuffs to those who are needy, regardless of the mechanism that is necessary. Some will call it socialism, but I am unconcerned because it seems to me our task is to preserve democracy and if it does not function we will have to think about its demise. There are many mechanisms that would be available for the distribution of food to the hungry. My only thought is that we do it consistent with preserving the human rights of every individual. The pattern would need to vary depending upon the community involved. Thus, in rural areas it would appear to me that a delivery system would be similar to the mail delivery system, except that trucks would go to the isolated area and deliver the required goods to the impoverished families. On the other hand, in the city it would be desirable to have distribution centers located in facilities which the people are accustomed to. For example, many churches have community centers and it would be most impressive to me that the neighbors of the poor would help their government get food to the less fortunate. One in the establishment of cooperatives where could also envision the government aiding foods would be initially provided by the surplus food program. But ultimately, one would be training impoverished people to self-help through being exposed to the mechanisms of storage and delivery of food substances in an atmosphere of jobs and freedom.

The beehive of activity implied by the preceding considerations would be reminiscent of our total national efforts in preparing and sustaining World War II. The difference would be we would be demonstrating as a nation that America, in fact, is the world's great hope in showing that man can reach a state of the good life where all can enjoy the fruits of human effort.

Then we have the situation where those who are most affected are not even responsible for themselves. That is, our school-age population, especially those in the early years. It is incredible that in most of our urban areas there are no school lunch programs. Breakfast is the most important meal and that meal which most children do not get at home in urban areas of our city. They do not get it at home because the families cannot afford for them to have it. And yet, we have to orient our thinking toward making sure that no child enters school hungry at the beginnning of his school day. Unquestionably, learning is impaired; and ultimately, such children end up becoming dropouts and therefore, we care for them under drastically different but certainly highly undesirable circumstances. Here we talk about breaking the cycle of poverty at one of the earliest stages of its development. I would, therefore, recommend:

The development of a school breakfast and lunch pogram, but emphasizing the school breakfast program for all children leaving it to the option of each parent whether his child should eat breakfast at the school. Mechanisms certainly can be devised which would make it unnecessary to create new structures for lunchrooms; but, rather, one can have a situation similar to what many hospitals have and have caterers prepare the food for the school.

Another highly vulnerable group is the pregnant mother. Iron intake is exceedingly important and easy to achieve through established resources. It is appropriate to insure that every pregnant mother has the means to achieve a satisfactory hemoglobin level, and therefore avoid anemia. That can be done through the physician's office. He can write a prescription very simply. The problem comes in very simply, making sure the means exist for purchasing the drug through the pharmacist. This will require making appropriate changes in the medicaid program to implement. There will be no need for drastic changes to achieve this goal. It means establishing the appropriate guidelines such that pharmacists in this country will not subsidize the government.

Finally, I believe the food stamp program needs to be abolished as we move toward implementing some of the suggestions made earlier. Additionally, however, I would believe any program having to do with the distribution of surplus foods and health problems in recognition of medical and health problems needs to be done by the Department of Health, Education and Welfare, rather than the Department of Agriculture. The reason is very simple: The Department of Agriculture has a conflict of interest in that it has programs geared toward curtailing the producing of foodstuffs and, therefore, cannot be held responsible for distributing food to the needy.

Mr. Chairman, the hour is late. The poor will not continue to wait and I would like to cite the feeling of a little 6-year-old boy in Chicago, writing in the Chicago Tribune on June 1, 1969, this poem:

"Black boy, black boy, walking down the street;
Black boy, black boy, had nothing to eat.
He said to himself, 'I have been starving all week;
I have no money to buy something to eat. I have to steal,
But—if I want to stay alive, I will have to.'

"Went into the store, slipped three cans of soup into my pocket—
Went out. Went to a broken down house, Took out my soup—my knife;
I opened it and ate it cold. I am the people . . . we sing,
Black boy, black boy, walking down the street;
Black boy, black boy, has something to eat."

Eliot speaks for a generation of the poor. They are hungry, will suffer chronic illness, become dropouts and stay in the vicious cycle of poverty, ignorance, disease and dependency. That is the truth of the matter. The consequences are more far-reaching: communicable disease knows no boundaries and will spread from poor to rich at will. The rapid rise of VD in the past decade is typical. But even more significantly, theft of a can of soup today, the toss of a firebomb tomorrow—not in the ghetto, but in the city and

in the suburbs. Not just black, but white and brown. In short, the economics of poverty is such that the poor are coming together. Improvement of nutrition is the first step in improving the health and welfare of all. Thank you.

ORDER FOR STAR PRINT OF S. 1993

Mr. CASE. Mr. President, I ask unanimous consent that S. 1993, a bill to promote public confidence in the integrity of Congress and the executive branch, be star printed with the same number, but reflecting the amendment to it, which I filed later, adding members of the Committee on the Judiciary as cosponsors.

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

LANDING NETS FOR THE UNEMPLOYED IN THE FIGHT AGAINST INFLATION

Mr. KENNEDY. Mr. President, yesterday on NBC's "Meet the Press," Prof. Walter Heller, a former Chairman of the Council of Economic Advisers and one of America's most distinguished economists, analyzed in detail a number of the basic considerations involved in the continuing debate over the Nation's current economic policy.

One of the most important parts of Professor Heller's interview was his call for immediate planning by the administration to alleviate the burden of rising unemployment likely to be produced as our current fiscal policy begins to bring inflation under control. As Professor Heller made clear, it is our poorest and most disadvantaged citizens who will be forced to bear the first and heaviest brunt of the fight against inflation. Professor Heller noted that some of the leading economic indicators, such as real output, investment in plant and equipment, and retail sales, were already beginning to show distinct signs of softening, and he predicted that the economy was now at the turning point in the effort to roll back inflation.

Therefore, Professor Heller said, since inflation may now be waning, any softening in the economy is likely to be reflected in the foreseeable future by an increase in unemployment. If we are to continue an effective battle against inflation, he said, we must begin now to take adequate steps to build "landing nets" for the unemployed. He suggested a variety of useful measures that should be prepared to reduce the potential impact of unemployment, and thereby avoid the enormous social and political consequences that would otherwise ensue across the Nation if there is a substantial increase in the level of unemployment. Among the possible approaches he suggested were—

Increases in unemployment compensation;

Improvements in public and private training programs, including government residual employment programs;

And, some form of income maintenance program to relieve the most serious burdens of unemployment.

I agree with Professor Heller that the administration should act now to insure that the young and unskilled, black and white, do not suffer disproportionately in the transition of an inflation-free economy. However wisely and gradually we go about ending inflation, there will inevitably be the risk of a substantial increase in unemployment, especially among the young and unskilled. To impose a disproportionate burden on particular groups is unfair. An increase in unemployment may be coming, but we can relieve its harsh impact by adopting adequate policies in advance.

If we do not act now, it is clear that the already disruptive tensions in our society are likely to increase. We need more generous programs now, before unemployment increases, not some time in the indefinite future. We need realistic programs to help those who will be unable to obtain their first job or keep their present job if the labor market becomes too slack.

Mr. President, I commend Professor Heller's thoughtful comments to the Members of Congress. Because of the importance of his remarks at this crucial juncture in our Nation's economic policy, I ask unanimous consent that the full text of his interview be printed in the RECORD.

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

MEET THE PRESS, JUNE 29, 1969

Guest: Dr. Walter W. Heller, former chairman, Council of Economic Advisers.

Panel: Edwin L. Dale, Jr., New York Times; Stanley Levey, Scripps-Howard Newspaper Alliance; Richard Janssen, Wall Street Journal; Paul Duke, NBC News.

Moderator: Lawrence E. Spivak.

Mr. SPIVAK. Our guest today on "Meet the Press" is Dr. Walter W. Heller, one of the nation's leading economists. Dr. Heller served as Chairman of the Council of Economic Advisers under President Kennedy and President Johnson. Now Professor of Economics at the University of Minnesota, he is often called the "Father of the New Economics."

We will have the first questions now from Paul Duke of NBC News.

Mr. DUKE. Dr. Heller, the fight over the income surtax reaches its climax in the House tomorrow and even if the bill is passed by the House, it may be defeated in the Senate. What do you see as the economic consequences if the tax is discontinued?

Dr. HELLER. Well, I think there are three consequences that you would have to look to. One, there would be a signal to people that we are now really dead serious about fighting inflation. Two, I think interest rates as a result would be tightened up still further by the Federal Reserve. Third, I think the Europeans would begin to wonder again about the dollar and let me add a fourth, which is a social factor: Namely, we would have less adequate financing of some of our desperately needed social problems.

Mr. DUKE. Do you agree with Treasury Secretary Kennedy that we may have runaway inflation if the tax is discontinued?

Dr. HELLER. Well, if you mean by runaway inflation the kind of things they had in Europe, let's say in Germany and so forth, not 10, 20, 30 per cent inflation. We have a prodigiously productive economic machine and this is not a country where we are going to have runaway inflation, but intolerable inflation if we don't do the job that needs doing, yes. Five, six, seven per cent would not be out of the question if we failed to take measures like extension of the surtax.

Mr. DUKE. Now, the fight against the surtax is being led by Democrats and the indication is an overwhelming number of Democrats in the House will vote against the bill. Do you regard these Democrats as acting irresponsibly?

Dr. HELLER. Well, what they are trying to do is make a point. They have been bypassed by the tax reform special several times. Tax reform was dropped from the 1964 bill. Tax reform was dropped from the 1968 program, and they want to see that tax reform is made part of the commitment before they vote for the surtax. They are not against the surtax as such.

Mr. DUKE. Well, in this particular fight do you regard any tax reform as more important than extending the surtax?

Dr. HELLER. I don't see why you have to make a choice. There is no reason that you can't combine the two commitments, extend the surtax, if necessary extend the withholding rates as they did for 30 days, and do it again, and meanwhile hammer out some commitments that mean meaningful tax reform so that you don't have a lot of people forced to pay the surtax while there are a lot of others who are allowed to escape scot-free. There is no necessary conflict between these two.

Mr. DUKE. In other words, you think the bill should be passed as it now is and then bring out a tax reform bill after that?

Dr. HELLER. Well, but I'd like to see the liberals succeed in getting a firm commitment from Richard Nixon and Wilbur Mills to put through that meaningful tax reform in the process of their voting for the surtax.

Mr. DALE. Dr. Heller, assuming passage or extension of the surcharge, how do you view the economic outlook for the rest of this year in terms of growth of the economy, unemployment and inflation?

Dr. HELLER. Well, I think we are at an important turning point in the economy in this sense: Behind the facade of inflation, of high interest rates and so forth, I think there is a distinct softening in the real advance of production and employment. We have already seen the rate of advance in real production drop from 6.5 per cent at the beginning of last year to about three per cent at the beginning of this year. I think it is even slower now.

Secondly, when you look at the plans of business for plant and equipment investment, those seem to be tailing off, the rate of increase is diminishing for the rest of the year and certainly consumption hasn't been all that healthy. Retail sales are about two per cent above what they were eight months ago. That isn't even as much as the price increases. So, I believe we will see a continued softening in real output in the economy. I believe that it is a 50–50 chance that by early 1970 there will be a zero increase in GNP and that means, on one hand, that unemployment is bound to go up and it means, on the other, that inflation will begin to ease but that will come—you know, don't hold your breath; that will come a little more slowly than the rise in unemployment.

Mr. DALE. Well, as you know, a very large number of the citizenry and, in particular, businessmen, are really quite skeptical about the inflation part of it in particular. They see the wages going up at this fantastic rate this year. Some of the construction wages are as high as 15 per cent settlements and others in the range of seven to eight, and they simply doubt that such mysterious things as a budget surplus and a tight money policy by the Federal Reserve will really have any effect in slowing the rate of price increase. What sort of a rate do you think we would get down to? It is 7 percent in the last three months.

Dr. HELLER. Yes, but the overall GNP deflator, which we economists use, is about

4.5 so let's say it is somewhere between 4.5 and 5.5 today. Some administration forecasts have been that we would be down below three per cent by the end of the year. We won't. I think we will be lucky if we are down below 4 per cent by the end of '69.

There is a lag in this. The real factors first take hold, then you get some easing in the monetary situation which I think we will get before the end of the year. Then you get some squeeze on profits, you get some unemployment, and then, gradually you get some easing in the inflationary situation.

I think we will be lucky if we find 3 per cent year over year price increase in 1970.

Mr. DALE. How about unemployment? How high do you think it will go?

Dr. HELLER. You will have to ask Bill Martin and Richard Nixon and Wilbur Mills and a few others. Don't ask me.

Mr. DALE. Assuming zero growth in the first half of next year.

Dr. HELLER. Well, zero growth would mean if it is just fleetingly zero growth and then begins to move up again, you would have to be ready for 4.3, 4.4, 4.5 per cent unemployment. And let's remember that 4.5 per cent unemployment as against 3.5 per cent today means 830,000 people unemployed a year from now let's say, who are employed today.

Mr. LEVEY. Dr. Heller, if you had been President Nixon's Chairman of the Council of Economic Advisors, which isn't a very likely possibility——

Dr. HELLER. Granted.

Mr. LEVEY. What advice would you have given him that the present Council has not given him, or the Treasury Department has not given him, about the fight on inflation?

Dr. HELLER. Well, let me say first of all that the Treasury, the Council, the Budget Director, Arthur Burns in the White House, George Schultz, is a very competent corps of economists; they know what they are doing. That does not, however, mean that they can't make some mistakes.

I would have, for example, counselled holding onto the surtax at the ten per cent level rather than dropping it to five per cent on January 1st. That is not inconsistent with a prediction of weakening in the economy because I think we need those funds to finance the programs that you need to build landing nets under the people who are thrown out of employment in the fight against inflation. The cannon fodder in the fight against inflation are the people at the bottom of the ladder and you have to protect them with government programs.

Secondly, I would have advocated suspension of the investment credit instead of repeal. I think we still need a strong growth program in this country and I don't think we ought to abandon it and, third, I surely wouldn't have declared open season on wage and price bargains in the private economy by saying, "No, no, we won't intervene. We will have nothing like guideposts, nothing like ground rules," and then side by side with that rattle the wage-price control skeleton and stimulate people to increase prices and wages. Within the overall framework of a tight fiscal policy and tight monetary policy, on which they are right, I think they have made these mistakes that I have just listed.

Mr. LEVEY. What are the dangers of overkill, what are the likelihoods that tight money and reduced credit and all the other stringent steps being applied to the economy now will result in putting the brakes on too fast and skidding into a recession?

Dr. HELLER. Well, as one who has been burned by a prediction of overkill, or at least overcool a year ago, I have to proceed with some caution in answering that question. There is always that danger. If the Federal Reserve determined to atone for past sins, like last summer when they, under the influence of economists like myself, I guess, loosened the monetary ties a little too much, if under the influence of those memories they loosen—they tighten too long, they overstay tightness, yes, we could fall into a recession. And in any event in the process of an effective fight against inflation, we have got to expect a rather uncomfortable period in between the soaring '60's and the heavenly '70's. There is going to be a period when we are having more unemployment than we want, when we are having more profit squeeze than we want and the question is how long will the Administration under Richard Nixon stand still for that?

Mr. JANSSEN. Dr. Heller, the Chairman of the Federal Reserve Board, William McChesney Martin, warned recently that before inflation is ended we will have pain and suffering. Do you agree, and for whom?

Dr. HELLER. Well, the pain and suffering is reflected in the comment I just made. The pain and suffering, interestingly enough, will sort of be at the opposite ends of the economic spectrum. On the one hand I think there will be pain and suffering in the squeeze of profit margins and aggregate profits from the first quarter of this year to the first quarter of next year profits might be down as much as ten pecent and then at the other end of the spectrum, and in terms of social and political tensions, much more serious is the fact that we do knock the fellows at the bottom of the ladder off first. It is sort of a "last in first out" phenomenon when there is unemployment.

Inflation is thought to hurt the poor most. Actually the ones who are poorest of all, who don't have jobs, are the ones who have been moving into jobs faster under the pressure of excess demand than the rest of the economy. All kinds of figures show that, that while the overall employment rate went down ten percent, the unemployment rate for people in the ghettos went down 20 percent. They are going to be knocked out of jobs first, and we have got to protect them.

Mr. JANSSEN. How much knocking out of jobs of those people can the nation afford socially and politically, with violence in mind?

Dr. HELLER. Well, precisely, what I am saying is you can't afford very much until you build in (a) a more generous unemployment compensation system; (b) an income maintenance system that will assure that both the people who have inadequate paying jobs as well as the ones that are knocked out of employment will have this landing net, this floor underneath them; (c) you have got to beef up both the private training programs, private, with some government subsidy, and the residual employment program of the federal government. Unless you do this, you are inviting social tensions in the fight against inflation that may become unbearable.

Mr. SPIVAK. Dr. Heller, in September of 1968 you seemed confident that the ten percent surtax and the budget cut would check inflation. Why do you think your prediction proved to be so wrong?

Dr. HELLER. Well, let me make clear first of all that the prediction wasn't that it would immediately check inflation. The prediction was that it would slow down the economy. Now it has slowed down the economy. I mentioned earlier, the economy slowed down from six and a half percent a year to less than three percent a year of real advance in production. Secondly, it slowed down consumption. Retail sales are virtually where they were when the tax was passed, the surtax was passed, whereas in the preceding six months they jumped up $2.5 billion. Now why we went wrong nevertheless in the speed of the slowdown, is really two things. One, during the Congressional argument on the surtax, inflation took much deeper hold, sank much deeper roots, I think, than we were aware of. And secondly, businessmen say "Well, with inflation coming up and with the general assurance of continued high employment and growth, we might just as well go ahead and invest, even though the immediate situation doesn't look so good." So both in plant and equipment investment and in housing, we went off on our forecasts.

Mr. DUKE. Dr. Heller, there are some economists who disagree with you. They believe that the economy is virtually out of control, that it has so much head wind that the normal tools for fighting inflation just aren't going to work, that what we need are wage and price controls. How do you stand on that?

Dr. HELLER. I stand dead set opposed to direct wage and price controls. That is giving up the game. That is throwing out the baby with the bath water. If we want a market system in this economy of ours, if we want the efficiency of that system, it is folly to put on direct wage and price controls unless the economy is in allout war, and then perhaps it wouldn't matter. But in this kind of circumstance what we need is fiscal and monetary restraint and I think we need some Presidential leadership that we are not getting, on setting some general ground rules for wage and price behavior.

I think the American businessman and labor leader is responsive to the White House and if the White House would say "This is the public interest," I think it would have some effect in curbing their excessive wage and price increases and I think it is high time that the Administration realized this.

Mr. DUKE. Does this mean that you would advocate restoration of some form of the old wage-price guidelines?

Dr. HELLER. You couldn't do it overnight. Paul McCrackin is quite right. The guideposts as such were dead. But I think some leadership, some definition of the public interest, some form of voluntary restraint, some form of ground rules worked out between business and labor and government—sort of an economic disarmament agreement, that, it seems to me, would be very healthy for this economy and it would not lead to direct controls. It would help prevent them.

Mr. DALE. When things begin to cool off, including at least some rise in unemployment, which you have foreseen and many others have foreseen, the government will then face a choice, either to begin re-inflating again and pumping up demand—particularly the Federal Reserve—or, alternatively, to continue restraint with a view to stopping this inflationary psychology that you really mentioned—the businessmen going ahead and investing because it would just cost more later; the belief that inflation is perpetual and the government will not permit any kind of a recession. Which choice do you think it should make?

Dr. HELLER. Well, which choice it should make depends on what provision it makes to protect the people whom it asks to bear the brunt of the fight against inflation and, in particular, I am talking about those, the most disadvantaged members of the community who are going to bear the brunt. For them it will mean pain; it will mean hardship unless the administration stops talking and starts acting on programs to provide these fallout shelters, these economic fallout shelters for those people. If they do, then they can press the fight against inflation more firmly and more persistently.

Mr. DALE. And for longer.

Dr. HELLER. For longer. That is, whether you use gradualism or whether you use sadism; either way, you can do more of it if you provide this fallout shelter, and this is where economic policy and social policy intertwine. You have to go beyond the new economics; the new economics isn't enough for the economy of the narrow band around full employment.

Mr. DALE. Well, much of the inflation psychology, as you know, has stemmed from the belief in business that the government now has the means to prevent there being any significant slowdown in the economy, certainly not any prolonged recession and that,

therefore, decisions are made on the basis that there is really no risk.

Don't you consider this a serious problem, that some uncertainty should be introduced?

Dr. HELLER. Well, I would put it this way: That, yes, as far as the intermediate period is concerned, but the idea we should abandon our commitment—and I don't suppose you are suggesting that—to full employment, which we know how to produce, or to rapid growth, which we know how to produce, that is wrong, but you have to have some period of uncomfortable transition before you get back on that flight path of full employment and rapid growth.

Mr. LEVEY. Dr. Heller, is it really proper to use the future tense when you talk about pain and suffering? According to some recent BLS figures and to a story in the Wall Street Journal, about fifty million American workers, in terms of buying power, are worse off than they were four years ago as a result of taxes and as a result of the increase in the high cost of living. For them the recession has already begun. Aren't they already bearing the brunt of these policies?

Dr. HELLER. They are on a treadmill and I want you to notice carefully that the formula I have suggested is designed to help them at the same time that you provide some protection for the main victims of the fight against inflation.

Subduing inflation and bringing down high interest rates helps that group that you are talking about that has this treadmill feeling because then they have to pay less, relatively, for groceries and pay less for borrowing money and so forth.

At the same time, you don't do it at the expense of the follow down below them at the bottom of the ladder because you provide a way of easing the pain for him and of easing the hardship, and this combination—that means extending the surtax, staying tight, being ready to finance these programs, beating inflation and at the same time providing this shelter for those who are hurt.

Mr. LEVEY. How much confidence do you have that in the event of a recession the Nixon Administration will be able to or willing to move quickly and decisively against it?

Dr. HELLER. Well, it seems to me that both political and economic factors suggest movement under those circumstances. However, you have to coordinate the Federal Reserve. You can't just talk about the Nixon Administration. The question is will the Federal Reserve recognize when it may be overstaying tightness.

My own feeling is, with Mr. Nixon remembering 1960 when perhaps the recession was "the" marginal factor that defeated him, and also having a competent corps of economists around him, my own feeling is that if there is a recession or a period of no growth in the GNP, that we will see a reasonably rapid response by the Administration.

Mr. SPIVAK. Gentlemen, we have less than four minutes.

Mr. JANSSEN. Dr. Heller, you are a bank director now, among other things. Who is to blame for our present high interest rates?

Dr. HELLER. What's to blame is primarily excess demand. I wish the banks hadn't gone up and our own little bank went up somewhat reluctantly, as some other banks did, but underneath it is the fact that we do have excess demand for goods and services and in the process have generated tremendous pressure on liquidity of banks and they felt impelled to charge these high rates. As I say, I wish they had held off.

Mr. JANSSEN. Well, early this year you wrote that interest rates may even come down a bit in the first half of this year and instead they did go up sharply. What happened?

Dr. HELLER. I'd rather remind you, by the way, that early this year I made a very good forecast of gross national product and price increases. What I said, essentially, was that while they might go down a bit, they were bound to stay on a high plateau. The real reason is the demand/supply relationship. We have enormous demands for money and will continue to and even when interest rates ease the rest of this year, as I expect them to, some time starting this summer they are going to come off a peak and stay on a high plateau because we have so many things to build, so many things to buy, and a growing unwillingness to put money into the bond market and into banks.

Mr. SPIVAK. Dr. Heller, there has been some talk, I believe in the Senate of a wartime excess profits tax on corporations. Are you in favor of such a tax?

Dr. HELLER. No, I am not.

Mr. SPIVAK. Why not?

Dr. HELLER. First, because it would be extremely difficult to single out the war profits.

Secondly, because actually overall profits are a little below what they were a couple of years ago, or only very slightly above, and, secondly, because an excess profits tax gets to be an absolute can of worms. By the time we got rid of the Korean excess profits tax, it was just riddled with holes and I just think it is a very inefficient device in spite of the emotional appeal.

Mr. DUKE. Dr. Heller, this period of the 1960s has been our longest period of prosperity in this country. Do you believe our economy has become depression-proof?

Dr. HELLER. Well, in an economy as huge and vast as ours, mistakes and surprises can occur, as President Johnson once put it, and I don't think we are recession-proof. We will have recession; we will have slowdowns, but I think they will be short and shallow. We do know how to maintain a fully employed, vigorously growing economy a great majority of the time.

Mr. DALE. Going back to the guideposts and their abandonment, are you suggesting that the rate of price increase this year is larger, significantly larger than it would otherwise have been if the President had adopted the Johnson policy of tackling specific price increases?

Dr. HELLER. Yes, I do. I don't know how you define "significantly," but when some investment advisors wrote their clients and said, "Boys, the lid is off; the Administration doesn't care where you raise wages and prices—at least it is not going to interfere if you do," then I say that must have been a material factor in the price boost we got in the last quarter.

Mr. LEVEY. Dr. Heller, in view of the highly complicated nature of the economy and the need for integration of all the policies that we have with respect to it, do you think the continued independent status of the Federal Reserve Board is a proper one?

Dr. HELLER. I happen to believe in the independence of the Fed within, but not of the Administration.

Mr. SPIVAK. On that note, we have to end. I am sorry to interrupt, but our time is up. Thank you, Dr. Heller, for being with us today on "Meet the Press."

USE OF GI BILL—DOING JUSTICE FOR VETERANS

Mr. YARBOROUGH. Mr. President, the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, held hearings last week on bills to improve the education and training provisions of the GI bill.

The major bill before us is S. 338, which I have introduced and which would increase the allowances paid to veterans when they take advantage of the GI bill. Together with its amendment, S. 338 will raise these allowances for all forms of GI training, whether high school, college, or some form of vocational education.

That this measure should be passed is supported by the evidence of comparative use by veterans of the GI bill. Figures I introduced into the hearing record show that 50% of the eligible veterans used the education and training benefits after World War II; 42 percent used them after the Korean conflict.

But since the cold war GI bill was established for men entering the Armed Forces after January 31, 1955, only 20 percent of those eligible have made use of it.

For those separated after August 4, 1964—the Vietnam veterans—only 21 percent have made use of this opportunity to advance their education and skills.

One reason for this reduced use of the GI bill is the low allowances furnished the veteran while he goes to school. If we made the benefits comparable to those available to World War II and Korean veterans, I think many more returning servicemen would take advantage of it. My bill, S. 338, will do that.

A second reason for this tragic condition is the lack of information that servicemen get about their education opportunities when they are discharged from service. We heard some testimony on that, too, from witnesses before the subcommittee, who have set up in their service organizations, special sections to explain to returning servicemen what is available to them under the GI bill, and to encourage them to use the benefits under the bill.

President Nixon has expressed his shock over the low number of veterans using the cold war GI bill. He set up a special Cabinet committee to do something about it.

Yet his Veterans' Administrator asked the subcommittee not to act on the rate of benefits until the Cabinet committee has made some findings and come to some conclusion.

The low level of allowances does not need more time for more study. I see no need whatever for Congress to wait until October, as the Administrator suggested. That would mean just another year's delay before something is done to make the GI bill more effective and useful. It should be done before the fall term of school opens in September 1969.

I commend the subcommittee chairman, the Senator from California (Mr. CRANSTON) for his statement that he intends to proceed with S. 338. If the VA and the administration are not willing to exert leadership in using the GI bill for its full potential of enlarging the education and technical training of these young men, then Congress must do so.

We cannot let this unnecessary waste of the brains and skills of the Nation's young men continue.

I ask unanimous consent to have printed in the RECORD the figures on "Trainee Participation Under GI Bills," furnished me by the Veterans' Administration.

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

TRAINEE PARTICIPATION UNDER GI BILLS

	World War II	Korean conflict	Post-Korean[1] (April 1969)	Vietnam[2] (April 1969)
Eligible veterans	15,614,000	5,708,000	6,155,000	3,020,000
Total trained	7,800,000	2,391,000	1,232,000	621,000
Percent of eligibles	50	42	20	21
Farm trainees	690,000	95,000	355	100
Percent of trainees	8.8	4.0	(3)	(3)

[1] Includes Vietnam veterans and all persons who entered the Armed Forces after Jan. 31, 1955, and were separated prior to Aug. 5 1964.
[2] Includes all persons separated from the Armed Forces after Aug. 4, 1964.
[3] Less than 0.05 percent.

THE FINANCING OF POLITICAL CANDIDATES BY LABOR ORGANIZATIONS

Mr. CURTIS. Mr. President, it is against the law for labor organizations to finance political candidates and political parties. I rise to ask the question, "Why is this law so flagrantly disregarded?"

I would like to call attention to just one senatorial campaign in 1968. There may be an explanation showing that some of the contributions I am about to mention were within the letter of the law. These facts, however, do call for an investigation.

It appears that national unions gave John Gilligan in excess of $200,000 in his bid for the U.S. Senate seat won by Senator SAXBE. In the primary against then Senator Lausche, Gilligan received $58,950 from a committee set up to funnel funds into Ohio from the various unions around the country. This committee was called the Committee for Urban Interest. The Urban Interest Committee received funds from the following unions:

AFL–CIO, COPE	$15,950
American Federation of Musicians political fund	500
Building and Construction Trades Department, AFL–CIO	5,000
ILGWU	4,000
Laborer's Political League	5,500
Machinists Nonpartisan Political League	10,000
Marine Engineers Beneficial Association	5,000
Railway Clerks Political League	8,000
United Steel Workers Volunteer Political action fund	5,000
Total	58,950

AFL–CIO Committee on Political Education—COPE—gave a large amount of money to various Ohio State union operations—presumably for the Gilligan effort. Their contributions to this State were larger than to any other State in 1968:

Ohio Concerned Citizens Committee	$19,000
Ohio Labor Political Action Committee	10,000
Columbus-Franklin County AFL–CIO, COPE	$6,000
Ohio State AFL–CIO, COPE	29,000
Cincinnati AFL–CIO Labor Council, COPE	5,200
Total	69,200

They also gave $3,000 to the Ohio State AFL–CIO COPE earmarked for Congressman Vanik.

National Labor gave directly to the campaign as follows:

Action Committee for Rural Electrification	$500
Amalgamated Clothing Workers' Political Education Committee	1,000
Amalgamated Political Education Committee	4,000
Committee for Good Government (UAW)	5,000
Communications Workers of America	2,000
International Brotherhood of Electrical Workers	6,300
International Chemical Workers	2,438
ILGWU	1,500
Machinists Nonpartisan Political League	4,000
Marine Engineers Beneficial Association AFL–CIO Political Donations Committee	250
Oil, Chemical & Atomic Workers of America	400
Railway Clerks Political League	3,000
Railway Laborers Political League	3,800
Seafarers International Union (COPE)	10,000
Sheet Metal Worker's International Association Political Action League	1,000
Textile Workers Union of America	500
United Auto Workers COPE	27,000
United Rubber, Cork, Linoleum & Plastic Workers COPE	2,750
United Steel Workers volunteer political action fund	10,000
Total	90,538

Total union giving, $218,688.

Mr. President, I would like to read into the RECORD section 610 of the Federal Corrupt Practices Act, which is as follows:

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with an election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. For the purposes of this section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Mr. President, what has happened to the principle of equality before the law? Should not each one of the donors above listed be called upon to explain his particular transaction? Let us have the facts. The facts will protect the law abiding as well as expose any law violations that might exist.

Mr. President, I believe that a senatorial investigation is in order.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker has affixed his signature to the enrolled bill (H.R. 4297) to amend the act of November 8, 1966, and it was signed by the President pro tempore.

DEPARTMENTS OF THE TREASURY AND POST OFFICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATION BILL, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill. The Chair recognizes the Senator from Texas.

Mr. MANSFIELD. Mr. President, will the Senator yield, with the understanding that he may do so without losing his right to the floor?

Mr. YARBOROUGH. I yield.

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. DIRKSEN. 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. YARBOROUGH. Mr. President, The Committee on Appropriations has authorized me to present to the Senate its report on the pending bill, H.R. 11582, making appropriations for the Treasury and Post Office Departments, executive Office of the President, and certain independent agencies, for fiscal year 1970.

Senators will find on their desks printed copies of the bill and the committee report, together with copies of the hearings, and I will now present to the Senate a brief summary of what is contained in the bill in the way of increases and decreases.

The bill which is recommended to the Senate provides new budget obligational authority in the amount of $2,280,195,000. This amount consists of definite appropriations in the amount of $1,105,269,000 and indefinite appropriations in the amount of $1,174,926,000. The grand total of titles I, III, and IV—new budget obligational authority—and title II—authorizations out of the postal fund—is in the amount of $8,787,208,000. This amount is an increase of $7,863,000 over the House allowance, but it is $34,519,000 under the budget estimates for fiscal 1970, and $629,688,000 over 1969 appropriations made to date. Revised supplemental estimates for fiscal year 1969 amounting to approximately $211,130,584 are pending and to the extent these supplementals are ultimately granted, this latter comparison will be modified. In other words, when the supplemental bills are passed, the amount of the appropriations over the 1969 appropriations will be reduced to the extent that the supplemental bills build up the 1969 appropriations.

TITLE I—TREASURY DEPARTMENT

Appropriations totaling $1,077,299,000 are recommended by the committee for the regular annual requirements of the Treasury Department for fiscal year 1970. This is a decrease of $7,610,000 in the revised budget estimates and an increase of $1,959,000 compared with the House bill amount of $1,075,340,000. The amount recommended is $70,446,000 over 1969 appropriations to date in the amount of $1,006,853,000, excluding pending supplementals totaling $15,072,000. This is the only increase in the Treasury Department over the House bill.

In connection with this increase of $1,959,000 for the Bureau of Customs, the committee recommendation was based on assurances from both Government and industry witnesses that work on the new commercial airlines facilities at Kennedy International Airport is proceeding on schedule. They need more custom inspectors there. The new TWA terminal will be ready for operation on November 1, 1969, and will, at that time, require the additional personnel requested in the estimate. Similarly, the committee has been advised that the BOAC terminal will be ready by April 1, 1970, and will also require staffing as requested in the estimate. The need for the 213 additional positions, or 191 man-years, for the Bureau of Customs to be used for processing persons arriving in the United States is very widespread, covering almost every area of the country and practically every airport. The Senate will find these listed on page 7 of the Senate report. The table shows the number needed at the major airports and at other airports and military airports, and the number needed along the Mexican border. Forty-five of these positions are shown as needed along the Mexican border.

The need for additional positions along the Mexican border was testified to as being caused not by the old-fashioned method of smuggling to avoid tariff, but by the vast amounts of marihuana and narcotics being smuggled across the border from Mexico into the United States.

The testimony is to the effect that in decades past the smuggling of narcotics and heroin was from the seaports. It is now being done along the Mexican border, and with the shortage of personnel there, it is impossible to check it all.

It was testified that one brick of marihuana can be placed in the back end of an automobile and after they get across the border, they will drive all the way to Chicago or some other distribution point. That brick of marihuana will be worth more than $20,000 in the black market. With that kind of lure, the problem is insuperable with the present low number of personnel. This is a very modest increase over the House figure.

Living in a border State and having been on the border and talked with customs officials a number of times, I think the money is desperately needed.

People complain about waiting for 1 and 2 hours at the airports before customs officials can see their baggage. The customs officials say it is impossible now with the vast number of overseas traffic by air to do their work. They do not have the opportunity to ask questions or to take the time to examine baggage.

TITLE II—POST OFFICE DEPARTMENT

In connection with title II—Post Office Department—the total authorization out of the postal fund amounts to $7,681,939,000. This is a decrease of $26,303,000 in the budget estimates and a net increase of $5,904,000 compared with the House bill amount of $7,676,035,000. The amount recommended is $553,939,000 over the 1969 appropriations to date in the amount of $7,128,000,000, excluding pending supplementals now in conference between the House and the Senate totaling $195,571,000. If the pending supplementals are taken into account, the committee recommendation over 1969 would be in the amount of $358,368,000—not the larger amount given above.

For administration and regional operation, the committee recommends a total appropriation of $132,069,000. This amount is $13,069,000 over the 1969 appropriation, $4 million under the estimate, and $1 million under the House allowance. That sum is for operating the office of the Postmaster General and the regional offices. The budget estimate for 1970 provided for an increase of $17,069,000 over the $119 million provided for 1969. This increase would have provided an additional 981 man-years of employment over 1969, thus raising total employment in central administration in Washington and 15 regional offices to 9,481 man-years.

The House cut $3 million and 127 man-years from the estimate, thus allowing funding for 854 additional man-years of employment over the 8,500 already on board. The bill before the Senate, after taking into account the $1 million additional reduction recommended—the Senate voted an additional $1 million reduction—still provides the appropriation item "Administration and regional operation" with a total of $132,069,000, an increase of $13,069,000 over 1969. The committee feels that the amount recommended is ample to carry out the activities of administration and regional operation in view of the large increase allowed over 1969.

The committee feels that employment in the Office of the Executive Assistant to the Postmaster General for Congressional Relations should be kept at the calendar 1968 level and appropriate language has been included in the bill in this regard.

For research, development, and engineering, the committee recommends the full $51,338,000, the budget estimate. This amount is $16,338,000 over the 1969 appropriation excluding the pending supplemental and $5 million over the House allowance. The committee expects that the Department will pursue a much more vigorous and results-oriented approach to research with the funds allowed. Specifically, the $5 million the committee added will provide for the restoration of 100 employees denied by the House, thus raising employment to 907, the number requested, and will allow the Department to resume or continue action in the following areas which would be subject to some fiscal constraints should the restoration not take place. I shall enumerate the areas of research, because many complaints have been received over the years, especially in recent years, of inefficiency in the Post Office Department.

First, I may say that I have been an ex-officio member of the Committee on Appropriations since I became a member of the Committee on Post Office and Civil Service a number of years ago, and I have been a member of this subcommittee since I came to the Committee on Appropriations over 4 years ago.

Over the years, Congress has cut out a big share of the research money that the Post Office Department has asked for. I think that the failure to do enough research has been one of the main reasons why we have heard so many complaints against the Post Office Department.

The Senate committee has restored the full amount. The House cut $5 million. We have restored the full amount that the Post Office Department has asked for research. I think it is a modest amount. It is $5 million out of a total appropriation sought for the Post Office Department, an authorization of $7,681,939,000 out of the postal fund. Here is what the restorations for research would provide:

First, experimental tests of container systems and equipment between the New York and Chicago gateways, two great distribution points for mail in the United States.

Second, the development of a new maintainability and reliability program for postal equipment.

Third, the conduct of human factors

studies in support of equipment development efforts.

Fourth, the test and evaluation of new color-sensing techniques for application in automatic indicia detection and code reading equipment development.

Certain tag-type stamps were used starting in 1963. The stamps were tagged with fluorescent material. When the stamps passed through a scanner, the scanner detected the denominations of the stamps to determine whether sufficient postage had been paid.

It is now proposed to make a new color-sensing device to determine colors without the use of fluorescent materials. When this device is completed, it is expected that the machines will read the amounts of postage with a great saving of time and personnel.

Fifth, continued development of a computer control system for parcel and sack sorters which will allow for sorting parcels and sacks on the basis of ZIP code keyboard entry.

In the post offices at Houston and Fort Worth, Tex., I have seen the automated machinery moving, sorting, and arranging parcels according to destination and dispatching them to various terminals. I personally believe that when we permit this research and provide for its implementation, vast sums will be saved in the Post Office Department.

Sixth, design and test of high rate, automatic scanning, and code printing system for application to mail processing. In response to our question, we were told that they already had equipment which could read typewritten addresses.

Seventh, development of a feasibility model of a device to assist in loading and unloading vehicles.

Eighth, development of design concepts for a new device to sort parcels using operator keyboard and voice coding techniques.

Ninth, design of new equipment to allow expanded employment of handicapped personnel in postal operation.

Tenth, development of components for an experimental, continuous letter-mail processing system for single-pass sorting.

Eleventh, preparation of a design concept for new sorting devices for sacked mail for use in both large and small offices.

Twelfth, development of feasibility models of flat mail coding devices and an evaluation of techniques through which to extend the use of optical character reading equipment to flat mail.

For the Bureau of Operations, the committee has recommended a total of $6,143,615,000. This amount is $1,904,000 over the House allowance and $166,544,000 over the 1969 appropriation (including a pending supplemental and a $62 million transfer from transportation). The $1.9 million added by the committee has been earmarked specifically to provide for increased window service in large cities. This additional amount will provide 643,000 additional window hours and fund 225 additional man-years or 250 positions, over the 69,490 man-years provided for in the revised estimate. This additional increase of 2.6-percent window service over 1969 would be provided in the 1,156 larger post offices that come under the work measurement system and where most of the mail services are provided.

There have been widespread complaints about the restriction of window service on Saturdays. People have waited in line for long periods before they could buy money orders or register letters. It is known that many people having limited incomes, and who cannot maintain bank accounts, or pay the bank service charges, do their banking through the means of money orders and registered mail. The closing of windows has resulted in limited service to the public. This is a modest amount, we think, to enable an increase and the restoration of that service.

I come now to title III of the bill, the funds for the Executive Office of the President.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Appropriations totaling $23,295,000 are recommended for the regular annual requirements of the items under title III—Executive Office of the President—for fiscal year 1970. The amount recommended is a decrease of $479,000 under the budget estimate; the same as contained in the House bill; and $4,549,000 over 1969. An increase of $1 million was allowed for special projects, White House office. This fund is used by the President for staff assistance on special problems which arise from time to time but cannot be considered the responsibility of any existing agency. In the past, that amount had been $1.5 million. The President is given great latitude in this area. It is not spelled out how he has to use that money.

The Bureau of the Budget was accorded an increase of $1,600,000 over 1969, including a small pending supplemental and a decrease of $434,000 under the budget. The increased funds over 1969 will provide for the employment of 52 additional personnel, of which 39 are to fill positions not filled in 1969 due to the personnel ceiling restriction and 13 new positions will implement the management information system program. Funds for 24 additional man-years of employment have been provided for the National Security Council.

TITLE IV—INDEPENDENT AGENCIES

Appropriations totaling $4,675,000 are recommended for the regular annual requirements of the four independent agencies under title IV of this bill for fiscal year 1970. This amount is the same as the House allowance and $127,000 under the estimate of $4,802,000. An increase of $457,000 was allowed the commission on obscenity and pornography to continue its investigations, and the availability of funds was extended to September 30, 1970.

Mr. President, this is a brief summary of what is contained in the bill. A more detailed explanation will be found in the committee report which is on the desks of the Senators.

Mr. President, there was a clerical error in one amendment of the bill.

I ask unanimous consent to modify the amendment on page 8, line 4, by inserting the word "not" after the word "of".

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the committee amendments to the pending bill, H.R. 11582, be considered and agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the order.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 11, after "(22 U.S.C. 401);" strike out "$106,151,000" and insert "$108,110,000."

On page 6, line 12, after the word "missions," insert "as provided by law".

On page 8, at the beginning of line 2, strike out "$133,069,000." and insert "$132,069,000".

On page 8, line 2, after the amendment just above stated insert a colon and *"Provided,* That not more than $220,000 of this sum shall be available for the payment of salaries and expenses of not more than twenty (20) employees in or under the Office of the Executive Assistant to the Postmaster General for Congressional relations."

On page 8, line 11, after the figure "3109," strike out "$46,338,000," and insert "$51,338,000,".

On page 8, at the beginning of line 23, strike out "$6,141,711,000" and insert "$6,143,615,000".

On page 9, line 7, after the word "operations" insert a colon and *"Provided further,* That of the amount appropriated by this Act for postal operations, $1,904,000 shall be for achieving a 2.6 percent increase in window service at large post offices."

Mr. YARBOROUGH. Mr. President, I offer an amendment of H.R. 11582 to continue three-a-day deliveries of mail in the business districts of major metropolitan areas and preserve the expeditious delivery of special delivery letters. I ask unanimous consent that the amendment be printed at this point in the RECORD. Copies of my amendment together with an explanation thereof, are on the desks of the Senators.

Postmaster General Blount has recently announced that he plans to reduce three-a-day business delivery to two-a-day, plans to cut special delivery service in half by reducing the number of delivery runs and plans to increase special delivery rates by 50 percent from 30 cents a letter to 45 cents a letter. The adoption of my amendment will prevent this drastic cut in our mail service.

Mr. President, ours is a consumer economy. Business mail moves our Nation. To indicate that three-a-day delivery service in business areas, by someone's reasoning, does not pay for itself and therefore should be cut simply does not make sense. It would be like the mayor of New York deciding that because the subway system was running a so-called deficit that he should therefore cut the number of train runs. Of course, by doing such a thing he would be making a difficult situation worse. Carried to its logical conclusion, such bookkeeper thinking related to subway service would paralyze the city, and such bookkeeper thinking would ultimately wreck the postal service.

Government is a service, not a profit-making corporation. That is why the Post Office Department exists as a Government institution—to promote the com-

merce and general welfare of all the people of our Nation.

The Postmaster General's proposed reduction of special delivery service is particularly distressing. Why, his proposal, while costing 50 percent more, would provide a mere "Dr. Pepper" type three-times-a-day service, with one midnight run to top off the day. Special delivery is a needed middle-ground communication service occupying as it does a role between routine mail and expensive telegraphic or special messenger service. It should be available to the public. It should be continued and improved upon, not weakened.

Our Post Office Department is a great public service institution. It could, as most institutions could, stand some improvement. I support such improvements in the form of capital investment, and more research and development funds. But we should beware of those who would "improve" the Post Office Department by killing it. The solution for inadequate service is not more inadequate service.

I urge the retention of these two needed public services by the adoption of my amendment, which will assure three deliveries a day of business mail, and continued special delivery mail deliveries at the present level without decrease of the special deliveries.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 10, before the period insert a comma and the following: "$3,145,000 shall be for continuing three deliveries each business day in business areas, and $4,169,000 shall be for continuing expeditious delivery of special delivery letters."

Mr. YARBOROUGH. Mr. President, the purpose of the amendment is as follows: The matters in the amendment were in the bill as it came from the Subcommittee on Post Office and Treasury of the Committee on Appropriations. They were not retained in the bill by the full committee. I reoffer the amendment adopted by the subcommittee.

The purpose of my amendment to H.R. 11582 is to maintain present levels of postal service by specifying the amount of operational funds to be used for, first, multiple-trip business deliveries, and second, special delivery. The amendment does not increase the amount of the Post Office budget as reported from the Committee on Appropriations but would prevent proposed diminished service in the following two areas:

First. Multiple-trip deliveries a day—business deliveries: The initial budget of $98.867 million for business deliveries was reduced to $95.722 million, a reduction of $3.145 million. This reduction will reduce multiple-trip deliveries to business establishments from three trips a day to two trips. The following table shows the number of affected deliveries:

	Deliveries (per day)	Routes
Fiscal year 1969	5,235,000	7,404
Fiscal year 1970 (original estimate)	5,350,000	7,567
Revised 1970 estimate	5,176,000	7,321

This means a reduction in 174,000 business deliveries a day to the American business world, and a cutting out of 246 business routes of delivery.

Second. Special delivery services: The initial budget estimate for this activity was $63.116 million and this was decreased to $58.947 million—a budget reduction of $4.169 million.

Presently, special deliveries are made within 2 hours of receipt of special delivery mail. If funds in the amount of $4.169 million are not provided, as in my amendment, special delivery service will be restricted to four trips a day, from 7 a.m. to 11 p.m. Thus patrons who pay for special delivery and expect expeditious service will not be assured of this service.

This amendment would continue expeditious special delivery mail to be delivered within 2 hours at the very latest, from receipt by specifying $4.169 million in the operational budget for this purpose.

Mr. President, Postmaster Blount recently announced that he plans to reduce three deliveries a day to two deliveries a day and to cut special delivery service in half by reducing the number of special delivery runs and raising rates by 50 percent.

We feel that raising the price of special delivery stamps by 50 percent and cutting special delivery service would be a blow to special delivery and would practically obliterate it.

Mr. President, unless we adopt this amendment, the Postmaster General in his letter indicated it would mean that the business houses of America, which receive two deliveries in the morning and one delivery in the afternoon, would receive only two deliveries. We have a consumer-oriented economy based on vast consumer consumption. It seemed to us that this cutout of afternoon deliveries would be an impediment to the business community and would cripple the service they get. This is not money savings. We think it would be a major blow to the business community.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of Delaware. I understood the Senator to say he offered this proposal in committee; but, if so, why is it not in the bill? Do I understand the Committee on Appropriations rejected the amendment?

Mr. YARBOROUGH. No. The subcommittee adopted the amendment, and the full committee rejected it. The full committee took it out. I am offering it here again.

Mr. WILLIAMS of Delaware. Do I understand the full committee rejected the amendment?

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

Mr. YARBOROUGH. I yield.

Mr. BOGGS. Perhaps I can at least try to answer my colleague's question, which is a good one.

There is a difference between this amendment and the amendment which the full committee rejected. The amendment in the full committee was to increase the amount of the appropriation by nearly $800 million. Is that correct?

Mr. YARBOROUGH. Not $800 million.

Mr. BOGGS. $8 million. Therefore, the committee rejected the amendment to increase the appropriation. I think it was a very close vote.

This amendment would not increase the overall appropriation, but by limitation and earmarking provide that out of the amount appropriated these services shall be continued. That is the difference between the two proposals.

Mr. WILLIAMS of Delaware. Do I understand there was enough in the bill appropriated but not necessarily needed that can make up this $8 million? It has to come from somewhere.

Mr. BOGGS. It would come out of the total appropriation.

Mr. WILLIAMS of Delaware. If it is to come out of the total appropriation and the Senator from Texas feels it will not be necessary to replenish that total we must proceed on the premise that the bill reported by the committee had some $8 million of watered surplus in it.

Mr. YARBOROUGH. I do not think there was any watered surplus in the bill.

Mr. WILLIAMS of Delaware. Then from where does it come? It has to come from somewhere. I am one of those skeptics who feels we do not get something for nothing. Where does the money come from if not out of the overall total?

Mr. YARBOROUGH. The overall total for the Operations item is $6,143,615,000. In offering this proposal it was felt that the Postmaster General could allocate at least $7.3 million out of $6,143,615,000 without having crippling effects.

As the able Senator from New Jersey knows——

Mr. BOGGS. Delaware.

Mr. YARBOROUGH. I am promoting the Senator to a larger constituency. Of course, Delaware is one of the original States of the Union and was one of the first to urge adoption of the Constitution. I pay tribute to Delaware as a great State. It may not be the largest in size or population but it certainly is in terms of leadership.

This amount is larger, of course, than the amount appropriated for fiscal 1969 by $423,615,000, because of the great growth of our people and the great growth of the mail—over 80 billion pieces of mail a year being processed. That is more mail than the rest of the world sends and receives. Our mail has gone faster during the past 3 years than all the mail sent and received in France each year. Therefore, with this great increase, the Postmaster General is requesting an increase of 387 man-years in the Central Post Office Headquarters in addition to the 1,866 there now. He feels that with this increase in managerial level personnel, certainly they can manage to find the money. We feel that this mail is crucial for the American business community which means, of course, the prosperity of the country.

Mr. WILLIAMS of Delaware. I am merely trying to establish what the sentiment of the Senator in charge of the bill is. Does he believe there is enough excess money in this appropriation bill that they can deduct this $8 million without disrupting service?

Mr. YARBOROUGH. No. I do not believe that. I do not believe there is any water in the budget of the Post Office Department. I think there is in the Defense Department bill, but not in the appropriations for HEW, or Post Office, or any of the other service departments of the Government. They have squeezed out all the water, as well as half the milk and the cream, too. But the Postmaster General believes that if we can get this extra management, ways can be found to get the $7.3 million without seriously crippling other parts. I do not know where or how, because I am not the executive handling the spending. We are putting the Postmaster General on his managerial mettle—and he is reputed to have great managerial mettle—he has certainly shown it in his private enterprises—and we know that he will do so, without impeding others. I do not believe the Budget Bureau left any water in here that is domestic.

Mr. WILLIAMS of Delaware. I do not question that, but the way I understand the amendment it specifically requires the expenditure of an extra $8 million. It is certainly going to result in some increase. Another point, as I understand it, the amendment, substantially as it is presently before us, was offered in committee and was rejected. It appears to me that this is legislation on an appropriation bill.

Mr. President, I make a point of order on the amendment.

The PRESIDING OFFICER. The Chair will sustain the point of order. Obviously it is legislation on the appropriation.

Mr. YARBOROUGH. Mr. President, on behalf of myself and Senators BURDICK, COOPER, INOUYE, HARTKE, MONDALE, RANDOLPH, PELL, KENNEDY, and METCALF, I send to the desk another amendment and ask that it be stated.

The assistant legislative clerk read as follows:

On page 9, line 10, after the word "offices," insert a comma and "for business deliveries in business areas, $3,145,000; and for expeditious delivery of special delivery letters $4,169,000."

Mr. WILLIAMS of Delaware. Mr. President, I want to look at that amendment, but as I understand it this is a direct increase in the appropriation. This does not earmark it as to how it should be spent, but it is an extra $8 million; is that correct?

Mr. YARBOROUGH. There is going to be a statement I shall make as to what it will be spent for. This puts it in the same line in the bill——

Mr. WILLIAMS of Delaware. Does it provide the extra $8 million?

Mr. YARBOROUGH. It does provide, under the conditions of the able Senator from Delaware, for the service and achieves the result that we are seeking to achieve.

Mr. WILLIAMS of Delaware. But it does represent an $8 million over the increase already in the bill; is that not correct?

Mr. YARBOROUGH. No, it does not represent an increase, but it does represent what the Senator was talking about before, some use out of the $6,143,615,000 for Operations. It represents the obligation to use it to maintain it and to insure deliveries to the business communities of America, and to keep up special delivery at its present rate.

Mr. WILLIAMS of Delaware. I shall look at the amendment in a moment, but I would like to ask the Senator a question on another proposal: On page 3, I notice there is an item of $1,770,000 for more equipment for mint facilities. Is this the Philadelphia Mint?

Mr. YARBOROUGH. Yes.

Mr. WILLIAMS of Delaware. As I understand it, Congress authorized construction of that mint about 3 years ago. It was supposed to have been completed last year. What was the original cost of that mint supposed to be?

Mr. YARBOROUGH. That will be found, Senator, on the side slips and page 761 of the Senate hearings.

Mr. WILLIAMS of Delaware. I do not have them. What is the answer?

Mr. YARBOROUGH. On page 72. Public Law 89–81 amended, Public Law 88–102, to increase authorized limitations for construction of mint facilities from $30 million to $45 million. Public Law 89–309, approved October 31, 1965, provided for supplemental appropriations for $21,200,000 for fiscal year 1966 for completion of the new Philadelphia Mint in addition to an appropriation made in fiscal 1965.

Mr. WILLIAMS of Delaware. That is correct, but I understand that the appropriation of $16.5 million approved in 1965 was for construction of the mint. The question I am asking is, What was the amount of the original contract of the mint? What was it supposed to cost? It was a fixed-price contract, as I understand it. What was the original contract? I should like to have the answer for the RECORD.

Mr. YARBOROUGH. Public Law 88–102, approved August 20, 1963, authorized appropriations of not more than $30 million, during fiscal years 1964 through 1973. In fiscal year 1965 $16,500,000 was approved for construction and equipping of a new mint. This was within the $30 million authorized and that was to run over a period of 9 years before being finished.

Mr. WILLIAMS of Delaware. I beg the Senator's pardon, but the contract provided for the completion of the mint prior to that time. What was the amount of the original contract for the construction of the Philadelphia Mint, and was it not to have been completed last year?

Mr. SCOTT. Mr. President, will the Senator from Texas yield to me so that I may answer the Senator from Delaware?

Mr. YARBOROUGH. I am happy to yield to the Senator from Pennsylvania. I do not have that contract figure before me, let me say to the Senator from Delaware. I do not have it before me, but it is referred to in the report.

Mr. SCOTT. The amount budgeted was $1,770,000 for the purchase of one coin roller, assay, and melting equipment and spare parts, as originally planned, but for which funds became short and consequently because of protracted delays and consequent increase in prices—no employee compensation was involved in this appropriation. I may add that the new superintendent of the mint will be sworn in tomorrow at the unfinished mint in the assay office. The mint is planned to be dedicated on the 14th of August. It is virtually completed except for the equipment involved, as I understand it. I do not have the contract before me. But it is nearly finished.

Mr. WILLIAMS of Delaware. That does not answer the question. The point I am making is, what was the original contract for the construction of the mint and how much have we spent on it up to this point?

Mr. SCOTT. The report says on page 73, when we requested $37,700,000 to be appropriated for the new mint, that this amount would cover all requirements to place the mint in operation. However, continuous, costly, and protracted delays have dragged out its completion and prices have greatly increased and we have no alternative but to request the additional funds. The statement warns that funds will be requested in subsequent fiscal years to purchase additional equipment items required to bring the new mint into full operational capacity, and when the two coin rollers are in full operation, we should have eliminated many of the problems with pennies with which we have been plagued during the past several years.

They also have to install, during fiscal 1970, something called a cladding line, which will be installed in the new Philadelphia Mint to produce clad strips for 10-cent and 25-cent coins.

Of course, the enormous increase in the demand for small coinage, plus the change to cladding of coins, plus the possibility that we may someday have a clad dollar, with the mixed alloys involved—and I have introduced a bill to have on that dollar the portrait of Eisenhower and to develop an Eisenhower dollar—we are going to have to have some dollars. The Treasury, as we know, is sitting on millions of silver dollars. The Treasury has not accepted the proposal of selling them to collectors, because the idea of the Government's making a profit on something is so horrendous. Apparently the idea that we could make a profit on the silver dollars, and pay much of the cost that we are talking about, shocks the entire Government.

Mr. WILLIAMS of Delaware. All this is very interesting, but it still does not answer my question. All I would like to know is how the appropriations for the construction cost of the mint have compared with the original contract. That is all I am trying to find out.

I am not debating the merits of the mint. If the committee does not have that information available it can be readily obtained. I thought the committee had it.

What was the amount of the contract awarded for the construction? It was a competitive bid, as I remember. I would like to know how much overrun if any there has been added to the original cost.

Mr. YARBOROUGH. Mr. President, I do not have the contract that the executive officers of the Government made

with the contractor, nor how that amount is broken down as between equipment and the building itself. Of course, what we are asking for this year, as the able Senator from Pennsylvania has pointed out, is set out on page 73 of the memo and page 761 of the Senate hearings. They need a new coin roller. I have been through the old mint. I know something of the problems of trying to produce enough pennies and of the demand for coins as a result of the new vending machines. The coins have had to be cladded, and the silver has had to be taken out, and great production problems have been confronted as a result of the conversion from silver to clad coinage. Now the clad dollar is in the offing also. These changes have been made in the mint. The amount set out in the appropriation is shown in the side slips. It is also shown on page 761 of the hearings, a copy of which the Senator has before him, showing what the moneys are for. I can read the pages for the Senator.

Mr. WILLIAMS of Delaware. I do not question what the particular item is for. I am merely referring to the committee report regarding the total cost, which reads on page 8:

> An appropriation of $16,500,000 was approved for fiscal year 1965 for the construction of the new mint in the city of Philadelphia.

Then comes the following sentence:

> For fiscal year 1966, a supplemental appropriation of $21,200,000 was provided for the completion of the new mint.

This is a total of $37,700,000. What was the amount of the original contract? Was it for half of that amount?

Mr. YARBOROUGH. Our committee did not require the Bureau of the Mint to bring the contracts before the committee. The Bureau of the Mint estimate came from the Treasury Department. We did not require those officials to bring, for examination or investigation by the committee, the contracts under which the building proceeded.

Mr. WILLIAMS of Delaware. I appreciate that, but recognizing the intelligence and curiosity of the Senator's committee, I cannot conceive of the committee's appropriating $38 million without knowing how much went for construction and how much went for equipment. That is all I am asking. What is the breakdown? How much have we spent and for what? Surely the Senator's committee, with its staff, would have the information.

Mr. YARBOROUGH. Every request asked for by the executive officers is broken down in the side slips and Senate hearings. The question asked by the Senator is as to what the contracts were in the first place for construction and how much was appropriated. What has been appropriated over the past years is broken down. There is an appropriation for the mint. One relates to a coin roller, assay and melting equipment and spare parts, which are short. There is a specific appropriation for that kind of machinery. Cladding machinery is needed to produce coins. Machinery is needed to strip subsidiary coins of silver when those coins are no longer usable but have silver. We need stripping machines to strip the silver out of those coins and save that silver for future use; $1,770,000 is requested for that machinery. The House allowed that amount. Our committee recommends it. But we did not go back over the past years, having had no complaint about the contract before our committee.

Mr. WILLIAMS of Delaware. I may or may not complain about it. What has the cost been?

Mr. YARBOROUGH. We did not go back to ask when the contract was let. Under existing law, the contract authorized construction to be started in 1964 and completed in 1973. There is a great need for this facility, with the growth of vending machines, and the consequent elimination of clerks. The need for coins has been exploding. Every time we see a new line of vending machines, it means the Treasury must produce millions of additional coins. It was much easier to make the old coins, when we did not have the mixture of white hot metal, than it is now with the new coins.

Mr. SCOTT. Mr. President, if the Senator will yield, I would like to add another reason for the increased burden on the mint. I do not know whether the Senator has done what I have done, but over this weekend I have been looking in cash registers in small grocery stores and supermarkets, and I have yet to see a 50-cent piece or Kennedy half dollar. They are being retained by people by the millions. As a result, all businesses, in changing dollars, have to begin with quarters. We have to continue manufacturing more and more half dollars until the people realize that they are numerous enough for everybody's purposes.

Mr. YARBOROUGH. There is great speculation in coins. People must be made to realize that they will not increase in value. I personally think the collecting has about reached the point of no return.

Mr. SCOTT. The same thing happened in 1893 with the Columbian Exposition. People collected the half dollars and quarters. They retained their same value for about 50 years. So if a collector wants to wait 50 years, he can make something.

Mr. YARBOROUGH. For 1970 the coinage program calls for the manufacture of 7,570,000,000 coins. That is an increase of 34.01 percent over 1969. These coins go into new machines.

What the Senator from Delaware is asking is not involved in the new appropriation. What he is asking is to go back to look into the contracts over these past years. I have objection to that. If he had made his wish known in committee, we would have had the officials bring the contract. But that is not part of the appropriation here, and I do not think we should delay action on the bill and getting it to conference, because it is customary to have the Treasury-Post Office appropriation bill passed by July 4th.

Mr. WILLIAMS of Delaware. This has been a most interesting discussion, but the Senator from Texas still has not given the answer. I simply asked the question.

Mr. YARBOROUGH. No; I did not look into the old contracts. I became chairman of the committee in January. I did not go back to redo the work of the committee in the past years when I became chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas has the floor. Does the Senator yield for that purpose?

Mr. YARBOROUGH. I yield for that purpose, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WILLIAMS of Delaware. Mr. President, in my colloquy with the Senator from Texas I asked for the amount of the original contract of the mint in Philadelphia as well as information on just how much has been paid thus far on either the original contract or any possible overruns. I realize that this is not a part of the committee report, I shall not press the Senator from Texas to answer the question at this time; but would he get the information for the RECORD later?

My reason for mentioning this item is that I have just found the amount of the original contract. It was in two parts. The substructure contract of the Philadelphia Mint was awarded to cost $2,805,770. The second contract was for the superstructure and was awarded July 1, 1966.

This contract for the superstructure in the amount of $12,682,000 was awarded by GSA on July 1, 1966. It provided for a completion date of January 1, 1968. That was 18 months ago. That would bring the total cost of the mint to $15,487,770. The superstructure was supposed to have been completed by January 1, 1968. This is June 30, 1969. There has been a delay of 18 months. The contract provides heavy penalties for late completion, and what I want to know is, how much in penalties have been collected from the contractor?

What prompts this question here is that the committee report recites that Congress has appropriated thus far a total of $37,700,000 for the Philadelphia Mint. The bill provides $1,770,000 more bringing the total to $39,470,000 appropriated. I realize that a part of the $39,470,000 is, as is provided in this item today, for equipment to be placed in the mint. Equipment was not a part of the original contract and should not be charged to it; but what is the amount of each?

I am wondering whether the committee will obtain and furnish to the Senate at a later date, the total amount that has been spent toward the completion of the original contract or on any change orders that may have been agreed upon in subsequent periods. I do not wish to delay

the bill and therefore ask that the committee obtain the information from the Department and give it to us at a later date.

Also, I should like to have an answer to the question of whether any penalties were collected from the contractor because of the 18-month delay in completing the construction.

Would the chairman of the committee be willing to get that information, or try to get it, and furnish it to the Senate at a later date?

Mr. YARBOROUGH. Certainly, I shall request the Bureau of the Budget or the Treasury Department to furnish this information. Any Senator is entitled to information about costs to the Government or the taxpayers.

I was chairman of the subcommittee which held hearings on the bill. Our voluminous hearings run almost to 1,178 pages. We always request any information that any Senator asks us to obtain. Had we known of the desire of the Senator from Delaware at the time we were holding hearings, we would have requested the information he seeks.

I have the honor to be chairman of the Subcommittee on Treasury, Post Office, and Executive Office Appropriations. The distinguished Senator from Delaware (Mr. BOGGS) is the ranking member of the subcommittee. Neither of us refused any requests from any Senator who sought information.

Mr. WILLIAMS of Delaware. I am sure the Senator from Texas would have obtained the information if it had been requested earlier. I did not ask the committee to get it at the time of the hearings because I did not know that more money was requested for this project, which was supposed to have been completed 18 months ago. The original contract did provide for the completion of the project by January 1, 1968. The building is still not complete today, 18 months later. As the Senator from Texas stated earlier, the Government was very much in need of the facility, so the earlier it is completed the better it will be for all concerned.

I think it is proper to ask how many change orders have been made and what the cost of them will be to the taxpayers. I also want to know the extent to which the Government has collected or plans to levy penalties upon the contractor for not having completed the building on schedule.

Mr. YARBOROUGH. We will submit the Senator's requests to the Department. We may not get a response before the Fourth of July recess, but we may get it by the 7th or 8th of July.

Mr. WILLIAMS of Delaware. That will be all right. With that understanding I shall not delay the passage of the bill now.

All of us have been concerned with overruns in contracts awarded by the Department of Defense. However, I am equally concerned about overruns for the construction of Post Office and Treasury facilities.

I realize it is of the utmost importance that the Philadelphia Mint be completed on time. At the time the contracts were awarded, I recall that we were told that by extending the life of the contracts and providing the contractors a longer period in which to build we could have obtained lower prices and gotten lower bids.

However, we were told at that time that it was of such great importance that it be completed at an early date that they accepted a higher bid in order to get the early completion date. Now, we are 18 months past delivery date, and still it is not completed.

Why was it not completed on schedule? Is the Department collecting penalties from the contractor as provided under the contract? If they are not assessing these penalties an explanation should be made as to why they are not.

The contract for this mint was a fixed-price contract. The taxpayers have the right to expect that the building will be delivered at the stated price.

With the assurance of the committee that they will get this information for the Senate I withdraw my request for a quorum at this time.

Mr. YARBOROUGH. I have no personal knowledge of this matter but it is stated in the hearings record that strikes or continuous and costly contractor delays have dragged this out. We shall ask the department having jurisdiction to submit the information which has been requested to Congress.

Mr. WILLIAMS of Delaware. In looking over the Treasury letter regarding this contract I do not see any clauses affecting strikes. It seems to me the contract was clear. It was a fixed-price bid which was accepted and agreed upon for completion of the building by a certain date. The contractor has a responsibility to live up to his obligations, and I want to know what the Department is doing to hold him to his contract.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, in looking over the Senate hearings on this bill I am particularly interested in page 940. I note that the total national debt, subject to limitation on May 1, 1969, was $366,277,187,554. One year earlier, on May 1, 1968, the amount outstanding subject to limitation was $355,697,465,654.23.

Mr. President, according to testimony, the interest on the national debt in 1968 for fiscal year 1968 was $14.5 billion. The interest on the national debt for the fiscal year 1969 was $16.5 billion. It is estimated that the interest on the national debt for the fiscal year 1970, which begins tomorrow, will be $17.5 billion.

Mr. President, these figures show that during the 2-year period 1968 to 1970, the interest on the national debt increased from $14.5 billion to $17.5 billion. In other words, in that short period of time, in that 2-year period, there was an increase in the interest paid on the national debt of 20 percent.

I think it is worth noting, and I think the taxpayers would want to know that, leaving out the trust funds, but referring only to total general fund spending, total Federal spending for fiscal year 1969 will be, in round figures, $150 billion. Of that, $150 billion, the sum of $16.5 billion is for the interest on the debt. One can readily see that for every dollar being spent by the Federal Government, leaving out trust funds, more than 10 cents goes to pay the interest on the national debt.

Tomorrow begins fiscal year 1970. Fiscal year 1970 begins tomorrow. The President has advocated, and the House of Representatives even now is voting whether or not to continue the 10-percent surtax on all citizens of our Nation, a 10-percent surtax tax on incomes between now and December 31, and a 5-percent surtax between December 31 and June 30 next year.

Now, if that is done, that will bring in an additional $7.6 billion. That surtax on all the people of our country, that surtax of 10 percent in the next 6 months and 5 percent for the following 6 months, will bring in $7.6 billion. Yet, the interest on the national debt during that period of time will be $17.5 billion. I think it is important that the people of the United States realize that the more we bind up these great debts, the more the Government goes into debt, and the more the Government issues more and more bonds, the taxpayers are paying more and more interest.

Maybe no one else is startled, but I am startled by the fact that interest costs to the Government have gone up 20 percent in 2 years. The figures can be found on page 940 of the printed hearings before the Committee on Appropriations for the Treasury, Post Office, and Executive Office Appropriations, 91st Congress, 1st session, fiscal year 1970.

As this bill goes to final passage I cite again the interest on the national debt. For the fiscal year 1968 the interest cost to the Federal Government was $14.5 billion.

For the fiscal year 1969, the cost to the Federal Government in interest charges was $16½ billion. For the fiscal year 1970, the proposed budget estimates for interest payments on the national debt are $17½ billion.

I repeat, Mr. President, during the 2-year period, 1968–1970, the interest costs to the Government have gone up 20 percent, or $3 billion.

Mr. YARBOROUGH. I thank the distinguished Senator from Virginia for his comments. As he knows, these were all discussed during the hearings.

BUREAU OF CUSTOMS FUNDS FOR WAR ON NARCOTICS

Mr. GOODELL. One of the most serious domestic problems facing this Nation today is that of drug abuse. Each day more and more people are becoming victims of narcotics, and many of them are resorting to criminal activities to finance their habits. The Bureau of Narcotics and Dangerous Drugs has estimated that

there has been an 800-percent increase in drug-related crimes since 1964. There can be little doubt that the increasing addiction rates and increasing crime rates are directly related to the available supply of narcotics coming into the United States from abroad.

Arresting a few junkies and small pushers on the streets will not reduce the spiraling supply of narcotics. We must vigorously crack down on organized crime, which last year alone imported into the United States about 20 tons of illegal narcotics. If we are to have a meaningful Federal effort to halt the tragic cycle of addiction and crime, we must reduce the supply of narcotics illegally entering this Nation. Every day we delay, we reap a bitter harvest of crime, fear, wasted lives, and human suffering.

The Appropriations Committees of the House and Senate have indicated their support of this aspect of President Nixon's program against organized crime by supporting his full budget request of an additional $500,000 for 50 more special agents of the Customs Bureau. As I have emphasized for some time, there is a tremendous need for more Federal efforts in this area. In the past, despite recommendations of three manpower surveys and two Presidential Commissions, there have not been a sufficient number of investigative agents in the Bureau trained specifically to halt the supply of illegal drugs. At last we are moving from rhetoric to action, but we must do more.

I am also pleased that the Senate Appropriations Committee has supported the Bureau of Customs' full request for 213 additional positions in connection with the processing of persons. The House had reduced this request by $1,959,000. These positions will be needed for the new facilities at J.F.K. International Airport. The work on these facilities is proceeding on schedule and therefore will require the full staffing requested by the Bureau.

Obviously, one of the most effective ways to reduce the supply of narcotics passing through our customs inspection system is through vigorous examinations of persons, cargo, and packages. This can be better accomplished by providing the Bureau of Customs with more personnel for these duties. I therefore urge that the full appropriation, as passed by the Senate, be approved in the conference committee.

The Bureau of Customs must have adequate manpower to do its job. Because its success is so closely tied to the greatest fight which must be waged against the menace of narcotics in this country, it deserves our full support.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 11582) was passed.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. BYRD of West Virginia, Mr. MONTOYA, Mr. BOGGS, Mr. ALLOTT, Mr. MCGEE, Mr. RANDOLPH, and Mr. FONG the conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the passage of this funding measure the Senate has witnessed once again the thorough competency displayed, as always, by the chairman of the Treasury, Post Office, and Executive Office Subcommittee of the Senate Appropriations Committee, the distinguished senior Senator from Texas (Mr. YARBOROUGH). His expert handling of the bill demonstrated once again a keen awareness of its importance and a splendid appreciation for all of its facets. His ability to lead it through the Senate in such an expeditious and efficient manner speaks abundantly for the legislative ability and skill of Senator YARBOROUGH.

He was ably assisted in the task by the ranking minority member of the subcommittee, the distinguished Senator from Delaware (Mr. BOGGS). The Senate is indebted to them both for their cooperative efforts in disposing of the bill today.

It should be noted that the thoughtful views of the senior Senator from Delaware (Mr. WILLIAMS) added a great deal to the meaningful discussion.

Finally, I wish to commend the Senate as a whole for its cooperation for joining so courteously to obtain final action today and for succeeding with full regard for the views of every Senator.

PADRE ISLAND NATIONAL SEASHORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 251, H.R. 11069.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 11069, to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, one of the most beautiful sections of my home State is Padre Island which lies off the gulf coast from Corpus Christi to Brownsville. This island is spotted with beaches, dunes, and sea grass, and provides recreational opportunities for people from all over the Nation.

One of the proudest achievements of my legislative career is helping to have this island designated a National Seashore and thus preserved in its natural state for our posterity.

There is pending before the Senate, a bill, H.R. 11069, to authorize the appropriation of $4,129,829, plus interest to cover the final claims against the Federal Government for land taken from private citizens for this seashore. This bill is similar to my bill, S. 2212 for the same purpose. This seems to be a small price to pay for land which will provide recreation, relaxation, pleasure to so many Americans. I hope that we can enact H.R. 11069 with all due speed.

Mr. President, this is a House bill to appropriate moneys to complete the purchase of lands and interest in lands in Padre Island National Seashore, which total $4,129,829, plus interest provided by law. This is an order by the United States under a judgment against the United States in civil action 66B U.S. District Court for the Southern District of Texas, for the acquisition of land and interest in land for the Padre Island National Seashore. This was a seashore act passed in 1962 for the Padre Island National Seashore of Padre Island, Tex. As the bill was passed, it provided for a national seashore 81 miles in length. With recession of the land it led to this bill. The national seashore is 74 miles in length. The purpose of the bill is to pay off the judgment to complete acquisition with the payment of the judgment in addition to the judgment for which moneys previously have been authorized, which will complete the acquisition of land for the Padre Island National Seashore.

The greatest volume of acreage was that from Texas which ceded its lands—the submerged lands on the beach which belonged to the State. It ceded all that acreage to the Federal Government without cost to the Federal Government. The cost has been to the Federal Government because of privately owned lands which were acquired only by condemnation proceedings. The greater portion of the land was acquired in the northern 89,000 acres of the park. Payment for that was authorized in Public Law 90–594 which authorized appropriation of $6,810,380 plus interest to satisfy the judgment which had fully matured. Since the time for appeal from this judgment had not run, action was deferred on the judgment for the southern 11,000 acres of the island. In September 1968, while Congress was reviewing the proposed authorization to increase the court reviewed verdict, the court ordered an award which reduced the southern part from $9,924,387.80 to $7,332,750, leaving a deficiency of $5,729,829.

At the same time, litigants, the National Park Service, and the former landowners, entered into an agreement. They negotiated an agreement by which the National Park Service receded certain acreage to the private owners whose land was being condemned. The National Park Service and the private owners entered into a compromise agreement in the Federal court in December of 1968, under the terms of which title to part of the land, 1,628 acres, was revested in the former owners. The court judgment was reduced, to $4,829, plus interest. In addition, the landowners agreed to waive all interest through December 31, 1968, on the compromise judgment. Of course the interest is running now and the need for the law is to authorize the payment so that the payment can be entered and the 6-percent-interest cost cutoff.

It has been unanimously reported by the Committee on Interior and Insular Affairs.

Mr. President, I move passage of the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of Delaware. Would the Senator tell us how much has been appropriated heretofore on this for the acquisition of Padre Island. It is about $16 million, as I understand it.

Mr. YARBOROUGH. This will bring it to something over $15 million, including this bill.

Mr. WILLIAMS of Delaware. $15 million?

Mr. YARBOROUGH. $15 million, including this bill.

Mr. WILLIAMS of Delaware. When the plan for this park was first presented in an authorization to Congress, if I remember correctly, its cost was not to exceed $5 million.

Mr. YARBOROUGH. That was the estimated cost at that time.

Mr. WILLIAMS of Delaware. Five million dollars was the maximum amount of the authority that was approved by Congress for the acquisition of the land that was outlined in the so-called Padre Island.

Mr. YARBOROUGH. That is correct. In 1958 when the bill was first introduced—1957—1958—and 1962 when it passed, it was still——

Mr. WILLIAMS of Delaware. We have already appropriated, as I understand it, in excess of $12 million, and here is a request for another $4,129,000 which will bring it up to around $16 million that we will have paid for an original $5 million project. In addition, the Government has reverted to the landowners 1,628 acres which was not acquired but what was a part of the original plan. Certainly as the result of the Government's expenditures the value of that 1,628 acres is being increased substantially far beyond what it was before. Who makes this windfall at the expense of the taxpayers?

Someone is ending up with a nice, profitable investment with the 1,628 acres. Not only that but the taxpayers will have spent, with approval of this bill, over three times as much as the entire project was supposed to have cost; or over, is that not correct?

Mr. YARBOROUGH. That is correct. The landowners fought this bitterly. Of course, the price of the land has gone up very high. We defeated them and got the bill through and now they are profiting by it. That happens in the case of many national parks around the country where people fight them at first; but once we get them, I do not know of any park in the country that anyone wishes to disestablish. People come in to live and work in the adjacent area. It helps all the country around there. People get this great windfall, very often, from it. I would not destroy a national park because someone was fighting it. Their lands are undoubtedly worth more to them than to have a national park there. But there is a national park there now, and the price has gone up, and the 1,628 acres have been ceded, which is small compared to the 100,000 acres of uplands which the Federal Government has in the seashore. That 100,000 acres itself is less than the land that the State of Texas gave in the tidelands and the flats of Laguna on Padre Island, which are owned by the State of Texas under Spanish grants in front of this strip.

We were able to get, through the Legislature of the State of Texas, a large amount of land given to the Federal Government.

Mr. WILLIAMS of Delaware. As I understand it, here was a project that was presented to the Congress on the premise that this land could be acquired at a cost of not to exceed $5 million.

Mr. YARBOROUGH. It was on the premise of its value of the land then. It took 4½ years to pass this measure. It was bitterly fought.

Mr. WILLIAMS of Delaware. Why did they not come back and tell the Congress that it was going to cost four times as much as what they planned? Who reaps this windfall by keeping these 1,628 acres? In addition to keeping the 1,600 acres, they will get $5.7 million for what portion they do sell to the Government. What they are selling to the Government to turn into a national park likewise increases the value of the land which they will keep. This one small group ends up with far more than what the cost was supposed to have been for the whole project.

Mr. YARBOROUGH. That is true.

Mr. WILLIAMS of Delaware. Many Members of Congress, including myself, have repeatedly criticized the Defense Department for consistent overruns in the costs of the Defense contracts, but I am wondering if this is not where the Defense Department got its lesson, because this project is a congressional overrun. Congress was promised that all the land would not cost over $5 million. We have already spent $12,500,000. Now we are asked to spend another $4,118,000 to complete the purchase. Millions more will still be needed to put the park into operation. Yet some favored group will keep 1,628 acres in the middle of this park. What a windfall. Who is this favored group? It would be better to defeat the bill. I do not see any reason why the taxpayers of the country should pay five times what the Government itself said the land was worth when the bill was originally passed. Nor do I approve of this built-in windfall for some favored group. Who are they?

Mr. YARBOROUGH. I point out that this matter has been adjudicated in court. The matter was tried before a court and jury, and this was the judgment of the court. I do not think we are at liberty to pay what we would like to pay. I regret to see these people get this money, when they fought me so and were against the project. It was a bitter fight. They campaigned all through the State against the establishment of the national seashore. Now they get the most benefit from it. However, they owned the land, and we have a free enterprise system in this country. Some people bought land later, which can be done. That happens in the case of any national park, or when a dam is constructed, or when a road is built. We cannot keep people from going into those areas and buying land. I hold no brief for those people. My brief is for the park.

The most heavily visited national park in the country is Shenandoah National Park, in Virginia. The national park authorities estimate that after the project is completed, on a busy weekend we may find over 100,000 going over only one of the bridges to Padre Island, and it may become the most visited national park in America. It still would be a steal, in my opinion, to get it this cheaply.

Mr. WILLIAMS of Delaware. Based on the price we are asked to pay there must be a gold mine there.

Mr. YARBOROUGH. When the bill was introduced, $5 million was all the land was worth, but the price went up. I ask the Senator where he can buy land along the seashore today for what it sold in 1958 or 1962. The price of seashore land is skyrocketing all over the country. I am glad it did not cost $93,000 an acre. Is that not what is being paid in Ocean City, Md.?

Mr. WILLIAMS of Delaware. This bill was first sold to the Congress on the basis that its total cost would not be over $5 million. Here it is costing four or five times that amount. If Congress approves this bill it represents a congressional overrun. How can Congress with a straight face criticize the Defense Department for its overruns? I have been very critical of the Defense Department, but we should live by our own rules.

The Senator from Ohio, Mr. Lausche, and I tried to stop this years ago when the first overrun in cost developed. Here we are with another $4 million, and this will not end it. The Senator said that tourists would be going over the bridge by the hundreds and thousands to visit this park, but I am wondering if they will not be doing that because they think there is a gold mine there, based on its cost to the Government. Texas is one of our great States, the second largest in the Union. But with all due respect to the great State of Texas, I wonder if this is not a large overrun in cost even for Texas.

The only way we can stop these overruns is for Congress to say, "We are just not going to pay for these overcharges. If Texas does not want to have a national park there we can establish a park somewhere else."

I am getting a little impatient with the hijacking on the part of people who first want a park and then after getting it approved come along and want the Government to pay five times as much as the original asking price.

I am going to vote against this bill. I think it is about time to stop the continual overruns by the various agencies of the Government. They put a price on projects, and then they come back a little later and say, "We need a few more million dollars." There is only one way to stop it, and that is to defeat the bill.

Mr. YARBOROUGH. I point out that this is a judgment of the court, and the Government must pay it. I also point out that there are 100,000 acres of upland there, and the total cost to the Government is running about $15 million. That is about $150 an acre.

Mr. WILLIAMS of Delaware. They realize that the Government will spend another $35 or $40 million to improve it.

Certainly that makes the land worth more money. Who reaps the windfall on this large payment, and who are in the group that gets to keep the 1,628 acres in the middle of the national park?

The price tag should be put on these projects when measures are introduced. I am getting a little impatient about agencies putting on a small price tag and then eventually multiplying the price by four times when we get ready to pay for it.

But Congress itself must accept the blame, too. The agency cannot get the extra money without congressional approval.

I repeat, let Senators not criticize the Defense Department for its overruns on defense contracts if we are going to have a congressional overrun of 400 percent. Personally, I am not going to support this bill.

Mr. YARBOROUGH. Mr. President, I yield the floor and request that the bill be voted on.

The PRESIDING OFFICER. If there be no amendments to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11069) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER.) If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Colorado (Mr. ALLOTT) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The positions of the Senator from Illinois (Mr. DIRKSEN) and the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 57, nays 4, not voting 38, as follows:

[No. 51 Leg.]

YEAS—57

Anderson	Harris	Moss
Baker	Hart	Mundt
Bayh	Hartke	Nelson
Bennett	Hatfield	Packwood
Boggs	Holland	Pastore
Case	Hughes	Pearson
Church	Inouye	Percy
Cooper	Jordan, N.C.	Prouty
Cotton	Jordan, Idaho	Randolph
Cranston	Kennedy	Schweiker
Curtis	Long	Scott
Dole	Mansfield	Smith
Dominick	Mathias	Stennis
Eagleton	McClellan	Talmadge
Ellender	McGee	Thurmond
Ervin	McGovern	Tydings
Fannin	McIntyre	Williams, N.J.
Fulbright	Metcalf	Yarborough
Gurney	Mondale	Young, Ohio

NAYS—4

Allen	Proxmire	Williams, Del.
Byrd, Va.		

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED

Dirksen, against.

NOT VOTING—38

Aiken	Goodell	Murphy
Allott	Gore	Muskie
Bellmon	Gravel	Pell
Bible	Griffin	Ribicoff
Brooke	Hansen	Russell
Burdick	Hollings	Saxbe
Byrd, W. Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Cook	Javits	Stevens
Dodd	Magnuson	Symington
Eastland	McCarthy	Tower
Fong	Miller	Young, N. Dak.
Goldwater	Montoya	

So the bill (H.R. 11069) was passed.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 13, 1969, from Secretary of the Interior Walter J. Hickel to Vice President SPIRO THEODORE AGNEW.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1969.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas and for other purposes.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would authorize the appropriation of such sums as are necessary to satisfy final judgments against the United States in the last remaining condemnation proceeding which was brought to acquire property for the Padre Island National Seashore in Texas. Two proceedings were brought, numbers 65–C–54 and 66–B–1, both of which have resulted in final awards to the property owners in excess of the amounts deposited in court by the United States as estimated fair market value of the properties. With respect to number 65–C–54, the 90th Congress enacted Public Law 90–594, which authorized the appropriation of $6,810,380, plus interest, to satisfy the deficiency in that case. Enactment of the enclosed bill would authorize the appropriation of $4,129,829, plus interest, to satisfy the deficiency in proceeding number 66–B–1.

This department, in its letter to the Congress of June 4, 1968, recommended the enactment of a draft bill which would authorize appropriations sufficient to satisfy the awards in both proceedings. However, the authority with respect to proceeding number 66–B–1 was deleted by the House Committee on Interior and Insular Affairs (see House Report No. 1856, 90th Congress, second sess., to accompany H.R. 17787), and this deletion was concurred in by the Senate Committee on Interior and Insular Affairs (see Senate Resolution No. 1598, 90th Congress, second sess.). The deletion was made on the ground that a final judgment in proceeding number 66–B–1 had not been rendered, appeals filed by the Government and the former landowners with respect to tracts 14 and 16 not then having been disposed of.

Final judgments with regard to the four tracts involved in proceeding number 66–B–1 have now been rendered. The following table shows the sums involved:

Tract	Deposit	Final award	Deficiency	Judgment date
14 and 16	$1,581,321	$5,700,000	$4,118,679	Dec. 18, 1968
15	7,200	11,000	3,800	May 14, 1968
17	14,400	21,750	7,350	Jan. 8, 1968
Total	1,602,921	5,732,750	4,129,829	

With regard to tracts 14 and 16, at trial the jury awarded the former landowners $9,891,637.80. On motion of the Government, the court ordered a remitter in the amount of $2,591,637.80, which would have reduced the award to $7,300,000. Pending final action on the remitter, however, the former landowners offered to accept a total figure of $5,-

700,000, provided the Government agreed to revestment of title to tract 16 and a portion of tract 14 in the former owners. These lands totaled 1,628.05 acres, and were deemed not now essential to the management and development of the seashore. The Government therefore joined the former landowners in a stipulation providing for revestment of the 1,628.05 acres and an award of $5,700,000, which was approved by the court.

Under the stipulation mentioned above, interest on the deficiency with regard to tracts 14 and 16 ($4,118,679) commenced to run on January 1, 1969. Under similar stipulations covering tracts 15 and 17 interest on the deficiency on tract 15 ($3,800) will commence on May 14, 1969, and interest on the deficiency on tract 17 ($7,350) commenced January 9, 1969. Interest will accumulate against the Government at the rate of 6 percent from the above dates on the deficiencies until they are paid. The funds authorized in this draft legislation will be sufficient to complete land acquisition for this national seashore under the current plans of the Department.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE DWIGHT D. EISENHOWER DAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, S. 1613.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1613) to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, it is with deep pleasure that I speak in support of S. 1613, which I introduced and which has been favorably reported unanimously by the Committee on Interior and Insular Affairs. I am sure I speak also for the other 62 cosponsors of the bill. The bill would re-name the dam hitherto commonly referred to as the Glen Canyon Dam, as the Dwight D. Eisenhower Dam.

Eisenhower Dam will be a fitting memorial to the late President Eisenhower, whose vision and personal efforts were largely responsible for the realization of the Upper Colorado River project.

The Eisenhower Dam will stand as a tribute not only to General Eisenhower's faith in the Upper Colorado River project, but also to his greatness as President, military leader, and world statesman.

Eisenhower Dam conveys to those who honor the late President the simplicity amidst complexity and great strength that is needed within the framework of a leading world power. President Eisenhower himself said:

> The strength of America is the strength of our society, the strength of natural resources, and the strength of our power to defend ourselves.

In the state of the Union address in 1955, three basic solutions were given by President Eisenhower for economic development:

> At the foundation of our economic growth are the raw materials and energy produced from our minerals and fuels, lands and forests, and water resources. We must first develop, wisely use, and conserve basic resources from generation to generation; second follow the historic pattern of developing these resources primarily by private citizens; and third treat resource development as a partnership—a partnership of private citizens combined with both state and local governments.

In keeping with these three principles, the President then urged Congress to approve the development of the Upper Colorado River Basin to conserve and assure better use of precious water essential to the future of the West.

A fitting memorial must capsulize the endeavors of a lifetime. In the field of reclamation alone, President Eisenhower authorized 50 new projects. At the completion of these projects there will be, in President Eisenhower's words, "a storage capacity of nearly 43 million acre-feet—an increase of 50 percent over the Bureau of Reclamation capacity in 1953 when this project began."

It was his personal prestige behind congressional authorization and appropriation for this four-State project which made possible a dream that had persisted for decades—the taming of the Colorado, one of the longest, wildest, and most savage rivers in the Nation.

This idea for honoring one of the world's most admired men originated with my good friend and former senatorial colleague from Utah, Arthur V. Watkins. Senator Watkins and myself were privileged to attend the ceremonies at the White House when President Eisenhower signed the legislation authorizing the construction of the project in 1956.

The changing of the name would not slight the memory of some "Mr. Glen," as the dam's nomenclature was derived from the descriptive word "glen," which is of Celtic origin, meaning "narrow valley."

Glen Canyon Dam is a multipurpose development to regulate the river, create power, prevent floods, and make water available for use on land in municipalities. The 710-foot-high concrete structure, finished in 1963, will eventually create a reservoir extending 186 miles up the Colorado River and 71 miles up the San Juan. This four-State development stands as a fitting monument to the President who felt the strength of the Nation lay in the utilization of natural resources.

While speaking in Portland, Oreg., in 1956, President Eisenhower labeled Glen Canyon Dam "a monumental testimony to our Government's awareness of Federal responsibility." Is it not fitting that we attribute this testimony to President Eisenhower?

Let me again say that the name change from Glen Canyon Dam to Eisenhower Dam would be a fitting memorial to General Eisenhower's long and distinguished career as President, military leader, and world statesman. It would also be a lasting testimonial to his faith in the development of the Upper Colorado River Basin.

I wish to thank each of the 62 other Senators who joined with me in sponsoring this worthwhile tribute to the former President. I wish also to extend special thanks to the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) and the distinguished ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT), who saw to it that the bill was promptly considered and favorably reported.

I urge the Senate to approve the bill unanimously.

Mr. PEARSON. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. PEARSON. I wish to associate myself with the remarks and comments made by the distinguished Senator from Utah and to express my appreciation for his leadership and that of the distinguished Senator from Washington (Mr. JACKSON) in support of this measure.

Mr. BENNETT. I thank the Senator from Kansas.

I yield the floor.

Mr. MOSS. Mr. President. I speak in behalf of S. 1613, which I had the honor to support in the Committee on Interior and Insular Affairs, and which it was my privilege to report favorably to the Senate on behalf of the committee.

The bill would designate the dam commonly referred to as Glen Canyon Dam as the Dwight D. Eisenhower Dam.

It is wholly appropriate that this dam be renamed for this great American. President Eisenhower was in the White House when Congress enacted the Upper Colorado River Storage Act in 1956, and it was he who signed it into law. The Glen Canyon Dam, powerplant, and reservoir are the largest storage and power features of the Colorado River storage project. The dam itself spans the Colorado River near its exit from the Upper Basin, as if in the spout of a great funnel, where it can control all of the water in the funnel's own course—the Colorado's own flow as well as of its tributaries which feed into it upstream from the dam.

The reservoir behind the dam has been named for John Wesley Powell, the pioneer explorer, geologist, ethnologist, and geographer whose monumental trip 100 years ago down the Green and Colorado Rivers in Wyoming, Utah, and Colorado we are celebrating this year. In fact, I have just returned from Utah, where I participated in a number of events of the Powell centennial.

The name of Glen Canyon Dam may not do justice to the great structure which rises 530 feet above the river bed, and into which more than 5 million cubic yards of concrete were poured. Because Glen Canyon Reservoir does not do justice to the vast manmade lake behind the dam, the lake which has been named for John Wesley Powell.

But the name Eisenhower Dam will commemorate the life and service to his country of a man who was the Commanding General of Allied Forces in World War II, was the 34th President of the United States, and who is widely revered in America. It will be properly named if it is called the Eisenhower Dam.

At the time of the introduction of the

bill which is now before the Senate, I stated in a letter to my senior colleague from Utah (Mr. BENNETT) that I would be glad to support him in the introduction of the bill and in the support of it both in committee and on the floor of the Senate. I am very glad to have done so. It is altogether fitting, proper, and appropriate that the dam be renamed the Dwight D. Eisenhower Dam. I therefore join my colleague from Utah (Mr. BENNETT) in recommending the passage of the bill today.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1613) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1613

A bill to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the outstanding service rendered by Dwight D. Eisenhower as President, General of the Army, and world leader, the dam commonly referred to as the Glen Canyon Dam, located on the Colorado River in Arizona, is hereby designated as the Dwight D. Eisenhower Dam.

SEC. 2. Any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of the Dwight D. Eisenhower Dam.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 262, H.R. 4153.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4153) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, with an amendment, on page 1, at the beginning of line 9, strike out "(13)" and insert "(1)".

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 4153 was read the third time and passed.

TOY SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 227, S. 1689.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 2, line 2, after the word "of" strike out "subparagraph" and insert "clause"; in the same line after "(iii)" strike out "or (iv)"; in line 6, after "U.S.C." strike out "1151(2)" and insert "1261"; in the same line strike out "(A)"; in line 9, after the word "Secretary", insert "in accordance with section 553, title 5, United States Code,"; in line 14, after the word "because" strike out "of the presence of" and insert "it presents"; in line 15, after the word "hazards" strike out the comma and "or (iv) may cause substantial personal injury or substantial illness by, during or as a result of foreseeable use of the toy or article, even if unintended by the manufacturer, where such injury or illness is attributable to electrical, mechanical, or thermal aspects of the design, processing, or assembly of that toy or article."; at the beginning of line 25, strike out "the term 'electrical hazard' means a condition or circumstance such that substantial personal injury or substantial illness from electric shock or electrocution may be caused during or as a proximate result of any customary or reasonably foreseeable use." and insert "an article may be determined to present an 'electrical hazard' if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock resulting from current leakage, inadequate insulation, accessibility of live parts, or other conditions.".

On page 3, at the beginning of line 13, strike out "the term 'mechanical hazard' means a condition or circumstance such that substantial personal injury or substantial illness may be caused during or as a proximate result of any customary or reasonably foreseeable use because of sharp surfaces or protrusions, fragmentation, explosion, strangulation, suffocation, asphyxiation, or other mechanical means." and insert "an article may be determined to present a 'mechanical hazard' if in normal use or when subjected to reasonable foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness by strangulation, suffocation, asphyxiation, fragmentation, explosion, puncture, or other mechanical means.".

On page 4, line 2, after the semicolon strike out "the term 'thermal hazard' means a condition or circumstance such that substantial personal injury or substantial illness may be caused during or as a proximate result of any customary or reasonably foreseeable use of articles: (1) which contain heated surfaces; or (2) which if ignited burn so intensely that (A) extremely high temperatures are reached, or (B) they cannot be readily extinguished by means ordinarily at hand."; and insert "an article may be determined to present a 'thermal hazard' if it has surfaces or parts normally touched, hand-held, or grasped which exceed a temperature of 113° Fahrenheit (or 140° Fahrenheit in the case of surfaces other than metal), or if it has surfaces or parts exceeding 140° Fahrenheit (in normal use or when subject to reasonably foreseeable damage or abuse) which may be touched accidentally, causing personal injury or illness. However, articles which have parts or surfaces exceeding a temperature of 140° Fahrenheit which may be touched accidentally and are not normally touched, hand-held, or grasped shall not be found to present a 'thermal hazard' if the following three conditions are met: (i) the article requires such surfaces or parts in order to perform the normal function or purpose of the article; and (ii) the article bears labeling giving directions and warnings for safe use, and (iii) because of such labeling and warnings or other factors the article is likely to be used only by children who will comprehend the warning and use the toy safely. Temperature tests shall be made at an ambient (room) temperature of 77° Fahrenheit (25° C.).".

On page 5, after line 4, strike out:

EFFECTIVE DATE

SEC. 3. The amendments made by section 2 of this Act shall become effective sixty days after the date of enactment of this Act.

And, in lieu thereof, insert:

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of such Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(1) of such Act (15 U.S.C. 1261(l) is amended (1) by striking out "and" before "the term 'flammable'"; (2) by inserting the following before the semicolon: ", and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred fifty degrees as determined by the Tagliabue Open Cup Tester;" (3) by inserting "or combustibility" after "flammability"; and (4) by inserting "'combustible'," after "'flammable',".

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261(p)(1)(E))) is amended by inserting "'Combustible,'" after "'Flammable,'".

After line 23, insert a new section, as follows:

SEC. 4. Section 2(q) of such Act (15 U.S.C. 1261(q)) is amended by adding at the end thereof the following:

"(3) If any substance or article is determined to be a banned hazardous substance after the sale of such substance or article by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such substance or article by such dealer or distributor, the distributor shall immediately repurchase such substance or article at the price paid by such dealer, plus the transportation charges involved, and the manufacturer shall immediately repurchase from the distributor (or from the dealer if there is no

distributor) such substance or article unsold or repurchased at the price paid, plus all transportation charges involved."

And on page 6, after line 11, insert a new section, as follows:

EFFECTIVE DATE

SEC. 5. This Act shall become effective sixty days after the date of its enactment.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toy Safety Act of 1969".

SEC. 2. (a) Section 2(f)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)) is amended by adding at the end thereof the following new clause:

"(D) Any toy or other article intended for use by children which the Secretary finds pursuant to the provisions of section 2(q)(1) of this Act meets the requirements of clause (A) (iii) or (iv) of such section."

(b) The matter preceding the semicolon in clause (A) of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(A)) is amended to read as follows: "(A) any toy, or other article intended for use by children, which, pursuant to a determination made by the Secretary in accordance with section 553, title 5, United States Code, (i) is a hazardous substance, or (ii) bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted, or (iii) is otherwise hazardous because it presents electrical, mechanical, or thermal hazards.

(c) Section 2 of such Act is amended by adding at the end thereof the following:

"(r) The term 'electrical' means of or pertaining to the flow of an electrical charge or to electrons in motion; an article may be determined to present an 'electrical hazard' if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock resulting from current leakage, inadequate insulation, accessibility of live parts, or other conditions.

"(s) The term 'mechanical' means of or pertaining to the design, construction or structure of a substance; an article may be determined to present a 'mechanical hazard' if in normal use or when subjected to reasonable foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness by strangulation, suffocation, asphyxiation, fragmentation, explosion, pucture, or other mechanical means.

"(t) The term 'thermal' means of or pertaining to the transfer or manifestation of heat energy; an article may be determined to present a 'thermal hazard' if it has surfaces or parts normally touched, hand-held or grasped which exceed a temperature of 113° Fahrenheit (or 140° Fahrenheit in the case of surfaces other than metal), or if it has surfaces or parts exceeding 140° Fahrenheit (in normal use or when subjected to reasonably foreseeable damage or abuse) which may be touched accidentally, causing personal injury or illness. However, articles which have parts or surfaces exceeding a temperature of 140° Fahrenheit which may be touched accidentally and are not normally touched, hand-held, or grasped shall not be found to present a 'thermal hazard' if the following three conditions are met: (i) the article requires such surfaces or parts in order to perform the normal function or purpose of the article; and (ii) the article bears labeling giving directions and warnings for safe use, and (iii) because of such labeling and warnings or other factors the article is likely to be used only by children who will comprehend the warning and use the toy safely. Temperature tests shall be made at an ambient (room) temperature of 77° Fahrenheit (25° C.)."

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of such Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(l) of such Act (15 U.S.C. 1261(l) is amended (1) by striking out "and" before "the term 'flammable'"; (2) by inserting the following before the semicolon: ", and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred fifty degrees as determined by the Tagliabue Open Cup Tester;" (3) by inserting "or combustibility" after "flammability"; and (4) by inserting " 'combustible'," after " 'flammable'.".

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261 (p)(1)(E)) is amended by inserting " 'Combustible,' " after " 'Flammable' ".

SEC. 4. Section 2(q) of such Act (15 U.S.C. 1261(q)) is amended by adding at the end thereof the following:

"(3) If any substance or article is determined to be a banned hazardous substance after the sale of such substance or article by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such substance or article by such dealer or distributor, the distributor shall immediately repurchase such substance or article at the price paid by such dealer, plus the transportation charges involved, and the manufacturer shall immediately repurchase from the distributor (or from the dealer if there is no distributor) such substance or article unsold or repurchased at the price paid, plus all transportation charges involved."

EFFECTIVE DATE

SEC. 5. This Act shall become effective sixty days after the date of its enactment.

Mr. MOSS. Mr. President, I urge this body to act favorably on (S. 1689) the Toy Safety Act of 1969. The purpose of this bill is to amend the Federal Hazardous Substances Act so that the Secretary of Health, Education, and Welfare, in order to protect children from serious injury and illness, may ban from the marketplace toys and other articles intended for use by children which present electrical, mechanical, and thermal hazards.

Such dangerous toys and other articles are in the marketplace at this moment. The harmless looking rolypoly doll, when dropped, breaks apart and exposes a series of menacing horizontal spikes that can impale the young, innocent child. The darts of a certain toy blowgun can easily be inhaled by the young child who confuses the mouthpiece and muzzle. The list of these dangerous toys is long. The National Commission on Product Safety, which advocated toy safety legislation in its interim report to Congress, has clearly documented the need for this legislation.

The Toy Manufacturers of America testified in favor of toy safety legislation. The present bill, as passed from committee, is supported by the industry. Toy safety legislation is absolutely necessary. We must act now to protect the young people of our Nation from needless personal injury and illness. We must enact into law the Toy Safety Act of 1969.

Mr. PROUTY. Mr. President, I am pleased to support the Toy Safety Act of 1969, S. 1689, as amended. I was a cosponsor of this bill with the distinguished Senator from Utah (Mr. Moss) because I was particularly concerned about the number of young people who are injured while playing with toys which are intended to create no harm.

As our society has grown in affluence and technology, parents find that the marketplace contains literally thousands of toys designed to provide enjoyment and education for their children. With such a wide selection of toys available, it becomes extremely difficult for the parent to carefully analyze all the characteristics of a particular toy. As a matter of fact, even the parent who spends hours carefully analyzing all of the characteristics of a particular toy may find that his efforts at protecting his child from harm are thwarted simply because children generally have the praiseworthy habit of sharing their toys with others.

There is nothing new concerning the problem of unsafe toys. I suspect that there were many children injured when the only toys available were those handmade at home. In those days it could accurately be stated that if a child was injured, the parent had no one to blame but himself. As a matter of fact, this reasoning continued long after toys were readily available in the marketplace. Just a few short years ago a merchant could escape all liability for the harm done by an unsafe toy simply by stating that it was the buyer, not the seller, who was at fault. As a matter of fact, this doctrine of caveat emptor was not even dented in this country until the 20th century.

The question as to who should bear the cost of an injury because of a defective product has traditionally been left to the courts to decide. The courts, until recent years, have been reluctant to place the responsibility for the damage from a defective product on anyone but the buyer. Over the years elaborate rules have grown up concerning who should bear the cost. For example, at one time a merchant who sold a painted ladder was not liable to the purchaser if the ladder broke because of defective workmanship. However, that same merchant would be liable for a ladder with the same defect if it was unpainted.

Slowly but surely there evolved in this country the warranty doctrine whereby the mere sale of goods was held to imply that the seller warrants his product to be reasonably fit for the purpose intended. However, due to the contractual nature of sales, recovery under implied warrants was available only to persons in privity of contract with the party against whom recovery was sought. This privity requirement created few hardships to consumers until the advent of the modern wholesaler-retailer method of distribution which eliminated the privity between the consumer and the manufacturer.

In other words, the only way that the consumer can get a manufacturer to pay for the damages done through the use of the manufacturer's defective product was to prove that the manufacturer had been negligent in the making of his products. This was virtually an impossible task. Could you imagine, for example, the difficulty that the individual consumer would have in proving that some-

where along the assembly line of a giant manufacturer an employee had failed to tighten a necessary screw or bolt.

After thousands of injuries had occurred to children and adults alike, courts began to offer some relief to the consumer bedeviled by this complex society. That relief consisted of imposing strict liability upon the manufacturer but the relief came only in bits and pieces. Even as late as 1967 the relief was not complete. William L. Prosser, writing in the University of Minnesota Law Review, states:

> The public interest in human safety requires the maximum possible protection for the user of the product, and those best able to afford it are the suppliers of the chattel.

But Mr. Prosser also points out that courts in at least 10 States have not accepted the doctrine of strict liability on manufacturers for defective products but, certainly, there is a definite trend toward holding the manufacturer liable for injury caused by defective products.

Mr. President, while I am not a lawyer, I mention this trend in product liability because I believe it has direct bearing on two aspects of the bill before us today. First, I believe it reminds us that even the imposition of strict liability provides only after the fact compensation for injury because of defective products. Therefore, it is incumbent upon us as legislators to do what we can to see that defective products are eliminated to the maximum extent feasible. Second, it raises a very real question as to who should bear the cost for the losses incurred by the removal of those defective products which happen to get into the stream of commerce before they are detected.

Mr. President, I, for one, believe that the American toy manufacturers deserve congratulations for their efforts to promote child safety through the production of safe toys. However, I think that most American manufacturers would agree that standards for safety would enable them to produce safe toys with even a greater degree of consistency. This bill gives the Secretary of Health, Education and Welfare the authority to establish standards to insure that toy manufacturers will take safety into consideration from the design stage through the production stage.

It is also clear to me, Mr. President, that it is better to pass legislation which will clearly establish safety standards rather than to rely on the impetus created by after-the-fact court litigation. Arnold Elkind, chairman of the National Commission on Product Safety, probably most clearly stated the necessity for this legislation when he said:

> When your intelligence tells you that something will create an injury and it seems conceptually clear that an injury will occur, it is primitive to wait until a number of people have lost their lives, or sacrificed their limbs before we attempt to prevent those accidents.

This, Mr. President, brings me to the second aspect of the bill before us today. When I sponsored this bill with Senator Moss, I was motivated by my concern to see definite guidelines established so as to insure the safest possible toys for the children of this country. During the course of the hearings it became clear to me that the bill as originally written contained one serious defect. That defect became apparent when we considered what would happen if an unsafe toy somehow got into the stream of commerce and had to be recalled. Both the bill as originally written and the amended version provide that should an unsafe toy get to the marketplace, it can be seized by the Government so as to protect innocent consumers from the hazard which it poses.

In the original bill, however, the monetary loss from such a seizure would have fallen upon the party who had the product at the time of seizure. In other words, if an unsafe toy happened to be on the store shelf at the time the defect was discovered, the local retail merchant would have suffered the economic loss unless the wholesaler or manufacturer had voluntarily agreed to compensate him for the loss.

Mr. President, I, personally, felt that this was an inequity in the original bill. Therefore, I proposed an amendment to the bill which presently is contained in section 4. That amendment places the liability for economic loss, because of the recall of an unsafe toy, upon the manufacturer of the toy. I believe this amendment will not only benefit local retail stores but will also benefit American toy manufacturers. In the unlikely event that an unsafe toy sometime in the future gets into the stream of commerce, the retail store will know that the American manufacturer is bound by law to return the retailer's purchase price for the particular toy which is on sale. However, this law has no extraterritorial effect, so a retail store which purchases a foreign toy takes a risk that if the toy is found unsafe, he may have to suffer the economic loss.

I hope, Mr. President, that the Congress will promptly enact this legislation. I believe that where a child's safety is at stake, we cannot afford to wait until a later date or to wait until the effects of court litigation bring about safer toys.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1689) was ordered to be engrossed for a third reading, was read the third time, and passed.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 269, H.R. 11612. There will be no action taken on the bill today. It will be the pending business tomorrow, and debate will start then.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRESIDENT NIXON COMMENDED FOR HANDLING OF VIETNAM SITUATION

Mr. CURTIS. Mr. President, I rise to commend President Nixon on his handling of foreign affairs and particularly his handling of the Vietnam situation during the little more than 5 months that he has been head of our Government.

President Nixon has adhered to the irrefutable plan that a weak nation cannot negotiate successfully. At the same time, he has gone all the way diplomatically to make the negotiations which were instigated much more than a year ago successful. He has maintained a flexible posture and has been willing to negotiate under any circumstances that might arise.

The American people have confidence in President Nixon's dedication to the task of keeping America strong militarily. The American people are grateful for President Nixon's ability to talk with and obtain the cooperation of President Thieu of South Vietnam. The American people are grateful for the Nixon program of "bring them back alive," which is becoming a reality. American boys are to be returned from Vietnam alive and not in caskets.

Mr. President, for the good of America we need a national unity in support of the President of the United States. Awesome responsibilities are fixed by the Constitution upon the President of the United States in the conduct of foreign affairs. The President, and the President alone, must make the final decision in reference to matters that involve not only the future of the United States but of the free world.

I think that it would be totally wrong for the President or any of his supporters to appeal for partisan unity. When the United States faces a troubled—and in part a hostile—world, there is no place for partisanship. National unity, on the other hand, is not only a necessity but it is a matter of enlightened self-interest. I am firmly convinced that the war in Vietnam can be shortened and future wars are more likely to be prevented if the United States stands before the world united.

I do not suggest that we abolish criticism. I do not suggest that we cease to ask questions. I do not suggest that ideas concerning the war that appear to be meritorious be placed under a bushel. I do suggest that restraint is a virtue. I do suggest that there is a time and place for everything and by the same token there is a wrong time and place for everything.

Personally, I feel that if an elected official of this Government has strong convictions as to how the war ought to be fought, he should seek a conference with the President of the United States and the Joint Chiefs of Staff and give to

them the benefit of his expert opinion. Personally, I doubt the wisdom of public utterances that can have no other effect than to discourage those who must bear the brunt of our war in Vietnam and encourage those forces that are meting out death to American boys on the field of battle.

Mr. President, I judge no one. What I have said constitutes a declaration of my own beliefs so that the world may know where I stand.

In unity and in strength the cause of peace will be advanced. In discord and division, like protests and demonstrations, the cause of peace is thwarted. Mr. President, we should always be patient. We should always be mindful of history. The war in Vietnam did not begin on January 20. We must look at the whole picture and with reason formulate our hopes for the future.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief chronology of the war in Vietnam which has been prepared at my request from 1961 through 1968, inclusive.

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

VIETNAM: A BRIEF CHRONOLOGY

YEAR 1961

January 29: Radio Hanoi recognizes NLF as official government of South Vietnam.

March 10: NLF announces launching of guerrilla campaign against Government of South Vietnam.

April 3: U.S.-South Vietnamese treaty of amity and assistance signed.

May 5: President Kennedy at news conference announces use of American forces in Vietnam "under consideration."

May 11: Vice President Johnson flies to Vietnam.

May 13: Johnson announces U.S. military assistance will be increased.

June 4: JFK-Khrushchev meet in Vienna; Khrushchev chides JFK on Bay of Pigs; James Reston of N.Y. Times reported later that after that meeting Kennedy decided on using U.S. troops in Vietnam.

August 2: Kennedy: "U.S. will do all it can" to help S. Vietnam.

October 1: Adm. Felt, U.S. Commander, Pacific, says use of U.S. troops in combat not in immediate plans.

October 29: First U.S. soldier wounded in battle with the enemy.

(NOTE.—Prior to October 29 an American officer had been wounded in a sabotage raid in Saigon by enemy terrorists who blew up a billet. However, this was not in action in the field against the enemy.)

November 16: After meeting of National Security Council Kennedy announces increased U.S. forces for Vietnam. (Discussing this meeting later, Asst. Secy. St. Robert Manning said Kennedy advised them it might mean commitment of as many as 300,000 U.S. troops to Vietnam, but decision to send 15,000 was made anyway.)

December 14: Kennedy pledges increased U.S. aid.

December 27: First U.S. soldier killed in action by enemy.

December 31: U.S. troop strength at year's end had increased from 660 in 1960 to 3,164.

YEAR 1962

February 7: Two U.S. Air Force support companies arrive Saigon, bring troop strength to 4,000.

February 8: Reorganization of U.S. effort in Vietnam announced, making it a military command with Four-Star General Harkins in command.

May 15: U.S. orders troops to Thailand.

July 6: McNamara makes his first "I am encouraged" statement about "progress" in Vietnam.

September 12: U.S. Gen. Taylor, Chairman Joint Chiefs, visits U.S. military base in central highlands.

December 31: U.S. troop strength at year's end up to 9,865.

December 31: U.S. casualties: 42 dead.

YEAR 1963

April 14: U.S. Under Secretary of State Averell Harriman (in a television interview) says that President Kennedy has decided that the United States must not become involved in the continuing conflict in Laos. He says that there are no plans to commit U.S. troops, and military supplies will only be sent if requested by the Lao Government.

April 22: U.S. Secretary of State Dean Rusk calls the situation in South Vietnam "difficult and dangerous," and says that the United States "cannot promise or expect a quick victory" and that its role is "limited and supporting."

June 11: Buddhist monk (Thich Quang Duc) commits suicide by burning himself to death with gasoline in front of the Cambodian legation. Further aggravates religious crisis involving South Vietnamese Buddhists.

June 27: President Kennedy announces (in Ireland while on a European tour) the appointment of Henry Cabot Lodge as the next American Ambassador to South Vietnam, effective September 1963, to succeed Frederick Nolting.

July 11: U.S. Ambassador Nolting returns to South Vietnam after consultations in Washington and issues a statement assuring continued U.S. support to President Diem and warning that "unity of purpose and purpose in action" must not be weakened by "internal dissension."

September 2: Times of Vietnam charges that U.S. Central Intelligence Agency agents had planned a coup d'etat for August 28 to overthrow President Diem. On the same day, U.S. President Kennedy declares (in a television interview with CBS Correspondent Walter Cronkite) that the United States is prepared to continue to assist South Vietnam "but I don't think that the war can be won unless the people support the effort and, in my opinion, in the last 2 months, the Government has gotten out of touch with the people."

October 2: Secretary of Defense Robert S. McNamara and Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, say the United States will continue its "policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam."

November 1: Military coup (organized by the key generals of the armed forces) against the Diem regime. Rebels lay seige to the presidential palace in Saigon which is captured by the following morning. President Diem and his brother, Ngo Dinh Nhu escape from the palace, but a few hours later are taken by the rebels, and while being transported in an armored carrier to rebel headquarters they are assassinated. A proclamation broadcast by the leaders of the coup (a council of generals, headed by Maj. Gen. Duong Van Minh) declares that they have "no political ambitions" and that the fight against the Communists must be carried on to a successful conclusion.

November 2: Military leaders in South Vietnam set up a provisional Government headed by former Vice President Nguyen Ngoc Tho (a Buddhist) as Premier. The Constitution is suspended and the National Assembly dissolved. Buddhists, students, and other political prisoners arrested by the former regime are released.

November 9: United States announces resumption of its commodity-import aid to South Vietnam, suspended in August.

November 15: U.S. military spokesman in Saigon reports that 1,000 U.S. servicemen will be withdrawn from South Vietnam, beginning December 3. (They never were.)

November 22: President John F. Kennedy is assassinated in Dallas, Tex. His successor, Lyndon B. Johnson, affirms on November 24 the U.S. intention to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

December 31: Troop strength: 16,500; Americans killed: 78.

YEAR 1964

January 27: U.S. Secretary of Defense McNamara in a statement to House Armed Services Committee states that the situation in South Vietnam "continues grave," but that "the survival of an independent Government in South Vietnam is so important to the security of southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory." France establishes diplomatic relations with Communist China.

April 13–15: SEATO Ministerial Council communique declares the defeat of Vietcong is "essential" to the security of southeast Asia and SEATO to fulfill its treaty obligations.

April 25: General Westmoreland to replace General Harkins in Saigon.

May 12: Secretary Rusk asks NATO members to give greater support to South Vietnam.

May 22: Secretary Rusk stating the choices in Vietnam, says: "A third choice would be to expand the war. This can be the result if the Communists persist in their course of aggression."

August 2: U.S.S. Maddox is attacked in international waters off the coast of North Vietnam by North Vietnamese torpedo boats.

August 4: Destroyer C. Turner Joy and destroyer Maddox are attacked by North Vietnamese PT boats.

August 4: President Johnson orders U.S. "air action" against "gunboats and certain supporting facilities in *North Vietnam*."

August 5: President Johnson's message to Congress; joint resolution is introduced "To promote the maintenance of international peace and security in southeast Asia."

August 5: United States sends reinforcement to Tonkin Bay area.

August 6: Cambodia charges "Americans in uniform joined South Vietnamese in firing into Cambodia."

August 7: U.S. Congress approves southeast Asia resolution (Senate vote, 88–2; House vote, 416–0).

August 11: President Johnson signs southeast Asia resolution into law (Public Law 88–408).

September 18: U.S. Defense Department reports destroyers in Tonkin Gulf fire on and presumably hit four or five hostile targets.

December 31: Troop strength: 23,000; Casualties: 147.

YEAR 1965

February 6: Russian Premier Kosygin arrives in Hanoi.

February 7: U.S. planes strike targets in North Vietnam. U.S. dependents evacuated from South Vietnam.

February 8: South Vietnamese Air Force planes accompany U.S. air mission into North Vietnam. President Johnson indicates that further developments depend on Communist response. Indian Foreign Minister requests a new Geneva conference.

February 8: Premier Kosygin announced Soviet willingness to aid North Vietnam if she is invaded.

February 25: North Vietnamese officials state negotiations would be considered if American troops were withdrawn.

February 27: State Department issues white paper detailing charges of aggression on the part of North Vietnam.

February 28: United States and South Vietnamese officials declare that President Johnson has decided to open continuous limited air strikes against North Vietnam in order to bring about a negotiated settlement.

March 6: Two U.S. Marine battalions sent to South Vietnam for limited duty.

March 25: In a public statement President Johnson held out to North Vietnam the prospect of economic aid if peace is secured.

April 2: United States announces intention of sending several thousand more troops to South Vietnam.

April 7: President Johnson, in a speech at Johns Hopkins University stresses our willingness to negotiate, and suggests a $1 billion aid program for southeast Asia.

May 4: President Johnson requests $700 million supplemental appropriation for Department of Defense for Vietnam effort.

May 13: United States halts bombing missions on North Vietnam.

May 19: United States resumes air attacks on North Vietnamese targets.

June 7: U.S. military authorities disclose that number of American military personnel in South Vietnam has passed 50,000 mark. (Army, 21,500; Marine Corps, 16,500; Air Force, 9,500; and Navy, 3,500).

June 8: State Department spokesman says that U.S. military command in South Vietnam has been authorized to send American troops into combat alongside Vietnamese forces if such "combat support" is requested by South Vietnam. (1st American killed in action in Dec. 1961)

June 16: Secretary McNamara announces new troop movements to Vietnam which will bring total there to over 70,000.

June 25: President Johnson in an address at ceremonies in San Francisco commemorating the 20th anniversary of the signing of the U.N. Charter declares that "bilateral diplomacy" for a peaceful settlement has "yielded no results." He adds, "I now call upon this gathering of the nations of the world to use all their influence, individually and collectively, to bring to the table those who seem determined to make war. We will support your efforts as we will support effective action by any agent or agency of these United Nations."

June 28: American troops participate in their first major attack of the Vietnamese war.

July 10: President Johnson declares in a press conference that in Vietnam, "we committed our power and our honor. . . ."

July 12–18: The United States begins a large-scale buildup of its forces in South Vietnam.

July 15: A "voluntary censorship" of news is requested of journalists by the U.S. Military Assistance Command, Vietnam.

July 28: In a press conference, President Johnson states: "We must not let this [the unconventional nature of the fighting] mask the central fact that this is really war."

August 19: The Defense Department reports that 561 Americans had been killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

October 23: U.S. military authorities in Saigon reported that U.S. forces in South Vietnam have reached a total of 148,300 men: 89,000 Army, 8,000 Navy, 37,000 Marine Corps, 14,000 Air Force, and 300 Coast Guard.

November 11: Defense Secretary McNamara announces that the administration "believes it will be necessary to add further to the strength of U.S. combat forces in Vietnam."

November 15: Correspondent Eric Sevareid reports in a Look magazine article that the United States rejected a Hanoi proposal in 1964 that United States and North Vietnamese representatives meet in Rangoon, Burma, to discuss a possible means of ending the Vietnam war. State Department spokesman Robert J. McCloskey states that "on the basis of the total evidence available to us, we did not believe at any time that North Vietnam was prepared for serious talks."

November 18: A Defense Department casualty report states that 108 U.S. soldiers were slain in the week ending November 15, a weekly record total, bringing to 1,095 the number of Americans slain since January 1, 1961.

November 29: Defense Secretary McNamara states in a press conference that the Vietcong's "expressed determination to carry on the conflict * * * can lead to only one conclusion—that it will be a long war."

December 15: U.S. Air Force planes bomb and destroy a North Vietnamese thermal power plant at Uongbi in the first American air raid on a major North Vietnamese industrial target.

December 24–25: A 1-day Christmas truce is agreed to by the United States and the Vietcong. The United States also suspends air strikes as part of the short cease-fire.

December 31: Troop strength: 181,000; casualties: 1,369 dead.

YEAR 1966

January 31: President Johnson announces in a broadcast speech the resumption of U.S. air strikes against North Vietnam. At the same time he instructs U.S. Ambassador Arthur Goldberg formally to request the U.N. Security Council to intervene in the crisis to seek an international conference to end the war and establish a permanent peace in southeast Asia.

February 4: Defense Secretary McNamara refuses on the grounds of security to testify publicly before the Senate Foreign Relations Committee. His position is publicly endorsed by President Johnson.

February 6: President Johnson and other U.S. officials arrive in Honolulu for discussions with Premier Ky and other Saigon representatives concerning the Vietnamese war. In his remarks at airport ceremonies President Johnson declares that those who "counsel retreat" from the war "belong to a group that has always been blind to experience and deaf to hope."

February 7: Retired Lt. Gen. James Gavin appears before the Senate Foreign Relations Committee to present his views on the Vietnam conflict.

February 8: President Johnson states his determination, at the conclusion of the 3-day Honolulu conference, to fight the battle against aggression as well as the battle for social construction in Vietnam.

February 11: President Johnson in a news conference disavows any desire to escalate the war. However, he adds that "additional troops" will be sent as militarily required.

March 5: Gen. Maxwell Taylor proposes the mining of Haiphong harbor.

March 11: Vice President Humphrey bars any settlement of the Vietnam war that would give the Vietcong a role in a coalition government not earned in free elections.

April 12: B–52's from the U.S. Strategic Air Command base in Guam bomb North Vietnam for the first time. The press reports a Pentagon decision to use B–52's regularly in bombing the north.

April 22: Pauline Frederick, NBC reporter, quotes a Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations, if the United States would halt the bombing of the north.

May 2: Secretary McNamara predicts an increase in U.S. troop strength in order to offset rising North Vietnamese infiltration.

May 22: Harold Brown, Secretary of the Air Force, states that President Johnson has decided against expanding the list of bombing targets in North Vietnam to include industrial and port installations, and fuel storage facilities.

June 18: President Johnson, at a news conference, declares that the United States would persist in using "the ground, naval, and air strength required to achieve our objective" and warns that: "I must observe that this does not mean that we shall not increase our forces or our operations."

June 26: Secretary Rusk, in Canberra, Australia, states that he sees no prospects for an early peace in Vietnam.

June 29: American planes conduct the first of continuing attacks on oil installations in the areas of Hanoi and Haiphong.

June 30: Speaking in Omaha and Des Moines, President Johnson warns that attacks on military targets in North Vietnam "will continue to impose a growing burden and a high price on those who wage war against the freedom of their neighbors," and calls for unconditional peace talks, saying "there need only be a room and a table and people willing to talk respectfully."

July 30: B–52 bombers initiate the first of series of attacks on growing North Vietnamese troop concentrations in and around the demilitarized zone.

August 3: A House Appropriations Subcommittee makes public testimony of May 11 by Secretary Rusk in which he said that the United States observes a no-bombing buffer zone along North Vietnam's border with Red China.

September 5: President Johnson says that a U.S. troop withdrawal from South Vietnam is dependent upon a pull-out of Communist forces.

September 22: Ambassador Goldberg states that the United States will halt the bombing of North Vietnam when it receives assurances, privately or otherwise, that Hanoi will respond by a reduction of its war effort. The United States will then be prepared to participate in a mutual withdrawal of military forces under international supervision.

October 16: President Johnson leaves on a 17-day trip that will include the Manila Conference.

October 24: The Manila Conference opens. Premier Ky tells the Conference that South Vietnam will press a program of political-economic reform.

October 26: President Johnson pays a surprise visit to Camranh Bay, South Vietnam, and pledges full support to U.S. forces.

November 5: Secretary McNamara states that the number of U.S. troops in Vietnam will continue to grow in 1967 but at a lower rate than the increase in 1966.

November 12: Hanson Baldwin, New York Times military writer, asserts that Pentagon military experts have estimated that 600,000 to 750,000 U.S. troops are needed in South Vietnam to achieve the objectives of defeating the Communists and pacifying the country.

YEAR 1967

January 8: U.S. predicts "sensational" military gains in 1967 and that open peace negotiations would probably never take place.

January 13: Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, says the United States will not bomb Mig bases in North Vietnam.

January 20: Senator John Stennis calls for an intensification of the U.S. bombing of North Vietnam to include industrial and power installations and jet airfields. He also predicts that over 500,000 American troops will be needed in South Vietnam by the end of 1967.

January 23: In his annual posture statement before the Senate Armed Services Committee and Defense Appropriations Subcommittee, Secretary McNamara lists enemy strength in South Vietnam at 275,000 men including 45,000 North Vietnamese regulars. The Secretary claims that U.S. strategy is limiting the buildup of Communist forces in the South, because they are losing as many men as they can recruit.

January 25: The Associated Press reports an order by the Johnson administration

barring American planes from venturing within 5 miles of the center of Hanoi.

January 26: U.S. officials acknowledge previous reports of secret negotiations with the National Liberation Front but claim that these dealt only with American prisoners held by the Vietcong.

February 9: Secretary Rusk tells newsmen that the United States will not cease bombing North Vietnam until Hanoi shows a willingness to reduce its military effort in the south. He accuses Hanoi of trying to secure a halt in the air raids without any limitations on its own military activities.

February 14: The United States bombs North Vietnam after a pause of nearly 6 days. President Johnson cites Hanoi's "major resupply efforts" during the break as justification for this action.

February 15: Secretary McNamara tells newsmen that the northern bombing has been effective but that the major military objectives of the war must be achieved in South Vietnam.

February 24: Secretary McNamara states at a news conference that the United States might bomb new targets in North Vietnam.

February 27: U.S. planes begin to drop mines in North Vietnam's rivers.

March 21: North Vietnam's Foreign Ministry discloses that President Johnson and Ho Chi Minh exchanged letters in February. Ho rejected the President's call for peace talks unless the United States halted the bombing and all other acts of war against North Vietnam.

March 27: A Senate Armed Services subcommittee issues a report charging that restrictions on U.S. pilots bombing North Vietnam have resulted in increased American casualties in the air war. The report proposes a relaxation of these limitations.

April 20: U.S. planes bomb two powerplants inside Haiphong for the first time. The United States and allies participating in the Vietnam war hold a strategy conference in Washington.

April 24: U.S. planes attack two North Vietnamese MIG bases, marking the first strike against such installations.

April 28: In a speech before Congress, Gen. William Westmoreland predicts that U.S. forces will "prevail in Vietnam over the Communist aggressor." He also asserts that "in evaluating the enemy strategy, it is evident to me that he believes our Achilles heel is our resolve."

May 3: At a news conference, President Johnson states that he has no "imminent" plans to substantially increase U.S. fighting strength in Vietnam.

May 5: U.S. Marines capture the third and final peak of Hill 881 after days of bitter fighting.

June 22: According to Department of Defense figures, total U.S. troop strength in South Vietnam is 463,000 as of June 17.

July 11: At a Saigon press conference before his return to Washington, Secretary McNamara states that the United States will continue to "provide the troops which our commanders consider necessary" but that "what is necessary depends on the extent to which we are using the resources we have available to us."

August 3: President Johnson announces that he has authorized the raising of the maximum limit of U.S. personnel in South Vietnam to 525,000.

YEAR 1968

January 2: The allied New Year's truce ends and the United States resumes the bombing of North Vietnam.

January 6: President Thieu states that Saigon and Hanoi should be the principal parties to any peace negotiations.

January 7: Assistant Secretary of State William Bundy states that peace talks on Vietnam might "lead away from peace" if the Communists used a cessation of the U.S. bombing of North Vietnam to pour men and supplies into the south.

January 15: Speaking to a group of Vietnamese newspaper editors, President Thieu declares that South Vietnam "should have the central role in any development relating to the events in Vietnam" and that "peace efforts should be made by the Saigon Government." Secretary Rusk states in Washington that there could be no decisions on negotiations "without full consultation with" the Saigon Government and that the future of South Vietnam could not be decided without the "full participation" of the South Vietnamese Government.

January 16: Mai Van Bo, North Vietnam's chief diplomat representative in Paris, tells newsmen that, before peace talks could be held, the United States must stop the bombing and "other acts of war" against North Vietnam without exception of any reciprocal action by Hanoi.

January 17: North Vietnamese officials in Paris reportedly tell a French journalist that peace talks will begin as soon as the United States halted the bombing and other acts of war against North Vietnam. They also say that the door was open to discussions on any subject, including the U.S. view that Hanoi not take advantage of a cessation of the bombing, but declare that there could be no question of a reciprocal deescalation by Hanoi in exchange for a bombing halt.

January 19: Cambodia charges that United States and South Vietnamese forces intruded 200 yards into its territory on January 18, killing three Cambodians.

January 21: A commentary in North Vietnam's official newspaper, Nhan Dan, describes President Johnson's "San Antonio formula" as a "habitual trick" with "very insolent conditions." It states that the United States has no right to ask for reciprocity in return for a cessation of the bombing of North Vietnam.

January 22: The State Department acknowledges that a combined United States-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

January 25: Testifying before the Senate Armed Services Committee, Clark Clifford, the President's nominee for Secretary of Defense, states that he would "assume" that North Vietnam would "continue to transport the normal amount of goods, munitions, men to South Vietnam" if the United States halted the northern bombing.

January 29: The Allies cancel their 36-hour Tet truce in South Vietnam's five northernmost provinces and state that the United States will continue bombing North Vietnam south of Vinh, a city about 125 miles north of the demilitarized zone. U.S. sources cite the Communist buildup around Khesanh as the reason for the cancellation.

January 30: The New York Times reports that the United States had informed North Vietnam that it would stop the bombing of the north if Hanoi did not increase infiltration of men and supplies beyond the level maintained while the bombing proceeded.

January 30–31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31), where they temporarily invade the grounds of the U.S. Embassy. President Thieu announces a total cancellation of the 36-hour Allied Tet truce.

January 31: President Thieu declares martial law throughout South Vietnam as the Communists continue their attacks on Allied bases and major cities.

February 1: Secretary McNamara presents his final posture statement to the Congress. He warns that the combat strength of North Vietnamese forces in South Vietnam "may increase sharply in the next few months" and states that North Vietnam's manpower reserves are adequate to meet current demands and that Hanoi can support a higher level of military mobilization. He declares that ultimate success in South Vietnam depends on the ability of the Saigon government to reestablish its authority over its territory so that peaceful reconstruction can be undertaken. He states that the bombing of North Vietnam had left few strategically important targets unstruck but expresses the opinion that the air attacks could not pinch off the flow of military supplies into the south.

February 1: General Westmoreland predicts that the Communists will follow up their attacks on South Vietnamese cities and Allied bases with their biggest offensive of the war in the country's two northernmost provinces.

February 2: President Johnson tells newsmen that the Communists had failed to achieve their stated goal of sparking a general uprising in South Vietnam's cities. He also states that he has no evidence to indicate a connection between the Pueblo incident and the Communist Tet offensive but that practically every expert whom he had consulted thought a connection did exist.

February 7: North Vietnam reportedly uses tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces camp at Langvei, 5 miles west of Khesanh near the Laotian border. The camp falls on February 8.

February 10: Secretary Rusk tells the National Association of Secondary School Principals that the Vietnam war may be entering "the climatic period."

February 13: The Pentagon announces that the United States will airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

February 14: Secretary Rusk announces that all U.S. attempts to launch peace talks "have resulted in rejection."

February 16: President Johnson at an unscheduled news conference states that it is in the Nation's interest to have General Westmoreland as commander in Vietnam at this critical stage. He also says that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi is not any more ready to negotiate than it was 3 years previously.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

February 20: Secretary McNamara testifies before the Senate Foreign Relations Committee on the 1964 Gulf of Tonkin incident. He denies any element of provocation on the part of the United States and insists that Washington had conclusive proof of North Vietnamese attacks on two U.S. destroyers before ordering air strikes against North Vietnam. Senators Fulbright and Morse dispute McNamara's testimony, charging that the Defense Department had withheld certain information. that U.S. naval activity on the Gulf of Tonkin might have provoked North Vietnam's actions in the incident and that the incident did not justify the subsequent American bombing.

February 24: South Vietnamese forces recapture the palace grounds of the citadel at Hue after 25 days of fierce fighting.

February 25: General Westmoreland states that additional U.S. troops "will probably be required" in Vietnam.

February 27: A South Vietnamese Army unit reports sighting Communits armored vehicles within 50 miles of Saigon.

March 4: According to Defense Department figures total U.S. troop strength in South Vietnam as of February 24, 1968, was 495,000. U.S. combat deaths stood at 18,799 (Jan. 1, 1961–Feb. 24, 1968) and wounded totaled 115,114, and 983 U.S. servicemen were missing and 238 were listed as captured.

March 10: The New York Times and Wash-

ington Post report that the Johnson Administration is considering raising U.S. Troop strength in Vietnam by as much as 206,000. White House Press Secretary Christian states on March 9 that the President has received no specific requests from American commanders concerning the sending of additional U.S. forces.

March 11-12: Secretary Rusk testifies before the Senate Foreign Relations Committee. He admits that the Communist Tet offensive has set back the Allied effort.

March 22: President Johnson announces that he will nominate Gen. William Westmoreland to replace retiring Army Chief of Staff, Gen. Harold K. Johnson, in July 1968.

March 31: President Johnson announces that he has ordered U.S. aircraft and naval vessels "to make no attacks on North Vietnam except in the area north of the demilitarized zone where the continuing enemy buildup directly threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat." He states that the area covered by the bombing pause includes 90 percent of North Vietnam's population. He asserts that a complete bombing halt could come "if our restraint is matched by restraint in Hanoi." He calls on North Vietnam to respond positively to the bombing halt by agreeing to peace talks and states: "We assume that during those talks Hanoi would not take advantage of our restraint."

April 2: Administration officials state that under the terms of the President's partial bombing halt, air attacks are still authorized from the 17th to the 20th parallel.

April 3: The U.S. command in Saigon announces that 20,000 Allied troops are advancing on the U.S. marine base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1, reaches Khesanh on April 6.

April 3: North Vietnam offers to send representatives to meet with U.S. representatives "with a view to determining with the American side the unconditional cessation of the U.S. bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

April 3: President Johnson sends a reply to Hanoi, suggesting Geneva as a meeting site. He publicly announces that: "The United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end. Accordingly we will establish contact with the representatives of North Vietnam."

April 7: General Westmoreland states in Washington that: "The spirit of the offensive is now prevalent throughout Vietnam with advantage being taken of the enemy's weakened military position. * * * "

April 8: President Johnson announces that he had received an official reply from Hanoi to his proposal for direct diplomatic contact and that: "We shall be trying to work out promptly the time and the place for the talks."

April 9: President Johnson states that the United States and North Vietnam are discussing "a number of alternative locations (for a meeting site) which could be convenient to both sides."

April 11: Hanoi proposes Warsaw as the site for the initial United States-Democratic Republic of Vietnam contact. The White House indicates that the United States favors a neutral site with adequate communications facilities.

April 29: Vice President concedes that the administration "may have overspoken" when it said it would go "any place any time" to start peace talks with North Vietnam.

May 3: President Johnson announces that the United States has accepted a North Vietnamese offer to meet in Paris for preliminary peace talks on May 10 or soon afterwards.

May 6: U.S. officials in Saigon state that North Vietnamese troops participated in fighting inside Saigon for the first time in the war.

May 8: President Johnson states in a speech that the United States still bases its Vietnam policy on the offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

May 9: President Thieu states: "We will never cede an inch of land to the northern communists, we will never set up a coalition government with the NFLSV, and we will never recognize the NFLSV as a political entity equal to us, with which we must negotiate on an equal footing."

May 10–11: United States and North Vietnamese delegates meet in Paris for the first time.

May 13: The first formal negotiating session meets at Paris.

May 15: Secretary Rusk denies that the United States "is prepared to impose a Communist rule upon the South Vietnamese Government . . ."

June 10: At a press conference on the eve of his departure from Vietnam, General Westmoreland asserts that a military victory "in a classic sense" is not possible.

June 19: President Thieu signs South Vietnam's first general mobilization law.

June 27: The U.S. Command in Saigon announces that U.S. troops are withdrawing from the base at Khesanh, which had survived a 77-day siege beginning in January 1968.

July 31: President Johnson tells a news conference that 30,000 North Vietnamese infiltrated into South Vietnam in July, making the infiltration rate the highest at any time in the war.

October 19: GOP presidential candidate, Richard Nixon, proposes that the non-Communist nations of Asia be guided into a mutual security pact of their own to deal with future Communist threats.

October 25: Secretary of Defense Clifford states that President Johnson has ordered no slackening of the U.S. military effort in Vietnam. He asserts that North Vietnam has withdrawn 30,000 to 40,000 troops from South Vietnam but that 80,000 still remained.

October 31: President Johnson announces that the United States will cease "all air, naval, and artillery bombardment of North Vietnam" as of 8 a.m. (Washington time), November 1.

October 31: President Thieu issues a statement which reads: "* * * the American government has unilaterally decided to stop the bombing on the whole territory of North Vietnam * * *." A "close associate" of Vice President Ky reportedly comments: "We were informed last night, but we didn't go along with it. We are very unhappy."

TWO WARS, SINGLE CAUSE

Mr. HARTKE. Mr. President, the United States is engaged in two desperate wars, one in Vietnam, the other against inflation. This is not coincidence; the two wars are blood brothers, they are related. The Vietnam war directly causes our present inflation. Not only does the Vietnam adventure cause inflation but attempts to end inflation will not succeed until we substantially end our Vietnam mistake. As long as our war budget keeps pumping $80 billion into the Nation's $900 billion economy without producing a supply of goods to meet the demand, efforts to control inflation will be fruitless. There is, however, a curious blindness in this country to this obvious economic fact. There seems to be a general reluctance to acknowledge the relationship between war and inflation. Perhaps most economists do not want to acknowledge this relationship because economic paradigms do not entail an evaluation of the effect of war.

Carl Rowan in a recent column discusses the economic cost of Vietnam. He writes:

> The total cost of this conflict has passed the $110 billion mark. Quoting James L. Clayton, an associate professor of history, he writes that, The cost of the Vietnam conflict even assuming a major de-escalation at the end of this year and a total withdrawal next year will be 350 billion dollars.

It is in this context that we should evaluate the surtax. The surtax is much more appropriately termed "a war tax." It is a tax, which has failed to achieve any of its stated economic goals, and is needed to finance an equally misguided foreign policy.

I ask unanimous consent that Mr. Rowan's column be printed in the RECORD.

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

VIETNAM WAR COSTS ADD UP TO A CHILLING FIGURE

Much of the American agony over the Vietnam war is caused by the fact that so much of our national wealth is being used for death and destruction when that wealth is needed for human uplift at home.

The agonizing will become more intense at the end of this month when Americans are told that the total cost of this conflict has passed the $110 billion mark.

But a university of Utah professor is trying to enlighten us with the fact that this figure does not begin to tell the true cost story, although it does make Vietnam by far the most expensive war in American history with the exception of World War II.

James L. Clayton, associate professor of history, recently told a Senate committee here that "if veterans' benefits and interest costs on the war debt were included, the cost of supporting one GI in Vietnam would be about $75,000 per year."

Clayton has studied the cost of all other U.S. wars and concluded that veterans' benefits alone for our first five major wars have averaged more than three times the original cost of those wars.

He points out that even a century after a war has ended the American people may be paying handsomely for it. In 1967 the government was still paying more than a million dollars a year to 1,353 dependents of deceased veterans of the Civil War.

Clayton points out that while the Civil War originally cost $3.07 billion, veterans' benefits had cost $8.57 billion by 1967. He says veterans' benefits will increase the costs of World War I, World War II, and the Korean War by 155 percent, 125 percent, and 170 percent respectively.

Clayton also has figured that interest costs on the national debt usually raise the cost of a war by about 40 percent.

Projecting this to the Vietnam war, Clayton told the Senate committee: "The cost of the Vietnam conflict, even assuming a major de-escalation at the end of this year and a total withdrawal next year, will be about $350 billion."

The Utah historian went on to add that "the estimate does not include inflationary costs owing to the war, the loss of services and earnings by the 33,000 men killed in the war to date, the cost of resentment abroad, the depletion of our natural resources, the postponement of critical domestic programs, the cost of the arrested training and education of our youth, the cost of the suspended cultural progress of our nation—and nothing of the death and destruc-

tion to the South Vietnamese civilians in the war zone itself."

Clayton apparently is aware that in these days when governments always talk in terms of billions, the average American might not understand the meaning of a $350 billion price tag on the Vietnam war. He explains that for the same period (fiscal 1960 to 1970):

"The war in Vietnam has cost ten times more than support for education, and 33 times more than was spent for housing and community development. We have spent ten times more money on Vietnam in ten years than we have spent in our entire history for public higher education or for police protection."

Perhaps with a bit of an acid tongue in cheek, Clayton tells us that there is hope in the high and rising cost of war. He says each of the major wars of the past century cost about ten times the previous one (Civil War, $3 billion; World War I, $33 billion; World War II, $381 billion.) And our major conflicts since World War II have tended to double in price (Korea, $54 billion and Vietnam, to date, $110 billion).

"If the trend continues," says Clayton, "wars may soon be simply too expensive to contemplate and governments too cumbersome to endure."

We should be so lucky!

WORLD TEXTILE TRADE

Mr. TALMADGE. Mr. President, as one who has labored diligently for many years to restore order to world textile trade, I have followed with great interest the recent trade missions of Secretary of Commerce Maurice H. Stans.

Mr. Stans and a group of key advisers traveled recently to the capitals of Europe and Asia to pave the way for future trade negotiations to eliminate some of the inequities which exist today.

The purpose of his mission was twofold. Everyone talks about the desirability of free and fair trade. But unfortunately, in most cases, trade has been free where the United States is concerned, and anything but fair where some of our trading partners are concerned.

In each of the capitals visited, Mr. Stans called for "open table" negotiations on the various trade barriers which exist throughout the world. He suggested that where these problems exist, they be laid on the table and discussed freely and frankly.

A second purpose of his mission was to lay the groundwork for negotiations which would result in equitable agreements governing the rapidly rising level of textile imports entering the United States.

Mr. Stans pointed out repeatedly that the United States is the only free market in the world for textile articles. He warned that the United States is not in a position to absorb indefinitely a greater and greater share of the expanding textile production of the world.

In some areas visited, the Secretary was met with sympathy and understanding. But he received a flat rebuff in Japan. The Japanese, who already dominate about one-fourth of the U.S. textile import market, exhibited no inclination to moderate their textile exports to the United States.

On the contrary, there is every indication that Japan intends to continue expanding her textile capacity, and most of the new capacity will be aimed at the United States. Shortly after Mr. Stans returned, the Japanese Ministry of Internal Trade and Industry announced that Japan's manmade fiber industry plans to increase its investments in new facilities by 28 percent over last year.

Because the United States is the only major free market in the world for imports of woolen and manmade fiber textile articles, it is clear that most of that additional production is earmarked for export to the United States.

Last year, we imported 3.3 billion square yards of textile products and apparel and additionally 214 million pounds of manmade staple, monofilaments and grouped filaments, with a dollar value of $1.5 billion. Our trade deficit in textile articles was a whopping $1.1 billion. Japan accounted for 27 percent of our textile imports.

This textile trade deficit, standing alone, is a matter of great concern. But it becomes even more serious when viewed as a part of our overall trade picture.

The United States has long been recognized as the greatest manufacturing nation in the world. But this position of industrial leadership is being eroded by outmoded trade policies which are turning us into a nation which exports raw materials in exchange for imported cheap labor.

Recent United States-Japan trade figures from the Department of Commerce dramatize this resources-for-labor swap. In 1968, we imported from Japan some $4.1 billion worth of various products. At the same time, we sold $2.9 billion worth of goods in Japan. This is a serious deficit.

But it becomes much more significant when we look at what we sold Japan and what was imported. Better than two-thirds of what we exported to Japan consisted of raw materials—products which represent a minimum of labor content per dollar of value. They contain a minimum of technology, too.

Does this make any sense? Here we are, the greatest industrial nation in the world with vast technical resources. Instead of encouraging our basic manufacturing industrial like steel, automobiles, and textiles, we open the floodgates to a rush of products which sell in this country primarily because they are made for wages which would not be legal here.

It is illegal to move goods in interstate commerce which are not made under fair labor standards. But if they are made by exploited workers beyond the 12-mile limit, we embrace them with enthusiasm.

At the same time, we stand idly by while other nations—and Japan is one of the worst offenders—erect all kinds of barriers against our manufactured products. Japan alone maintains restrictions against 121 categories of imports in which we have an interest.

How long are we going to tolerate this one-sided trade posture which permits Japan to fatten her giant textile industry with the cream of the American market, while she jealously protects her own industries?

The Japanese have been most skillful in the way they have concentrated on the open U.S. market and avoided taking on any of the responsibilities which go with being a major industrial nation.

When restraints were placed on cotton textile imports under the long-term arrangement on cotton textiles, the Japanese moved in on the market for manmade fiber and wool textiles.

Japan now accounts for 30.2 percent of our imports of manmade fiber products which have skyrocketed to 1.4 billion equivalent square yards annually. This is an increase of 551 percent since the cotton textile agreement began.

Japan last year exported to the United States 434.9 million square yards of manmade fiber products—more than double the 213 million yards we imported from all countries in 1962 and she exported additionally 28 million pounds of manmade staple monofilaments and group filaments.

One-fourth of the wool textiles consumed in this country today are imported and Japan accounts for 36.1 percent of our imports of such products. Some idea of the speed with which Japanese wool fabric exports to the United States are growing can be obtained by looking at what has happened between 1963 and 1968 to Japanese exports of worsted cloth.

Between 1963 and 1968, Japanese exports of worsteds to the United States rose by 82.4 percent. During the same period, Japanese exports of worsteds to countries other than the United States actually declined by 8.7 percent. As a result, the United States took 71 percent of Japan's worsted exports in 1968 compared with only 56 percent in 1963.

This uncontrolled expansion in Japanese exports to the United States absorbed nearly all of the growth in our domestic market during the period 1963–68. Other countries, however, had awakened to the danger to their domestic wool industries. And, as we have seen, they took effective measures to protect their national interests. While the Japanese agreed to these measures quietly, they now tell us America has no right to be concerned about what happens to her domestic wool industry.

We have been exceedingly generous with Japan, because we felt she had the potential to become a strong democratic ally. Now the time has come for Japan to take on a greater share of the responsibilities which go with her position in the world.

The area of textile trade with the less-developed countries needs adjustment and equalization. The United States today receives 82 percent of the textile imports from 19 less-developed nations, while Japan takes only about 1 percent. By the same token, the European economic community, with virtually the same population as the United States, takes only 17 percent.

Would not it make sense for Japan, which has just gone through a period of redevelopment, to take on some responsibility for helping other nations develop?

Perhaps Japan needs to be reminded of some of the history which played such an important role in her recovery.

In 1937, just prior to World War II, a delegation from our Government and from the U.S. textile industry went to

Japan to seek a "voluntary" trade agreement. Because of the outbreak of hostilities it was never consummated.

Immediately following World War II, much of Japan's industry was in ruins. Eighty percent of its shipping was gone. One-third of its industrial machinery had been destroyed. And the vast textile industry had been reduced to 2 million spindles, its markets shattered, and its capacity rendered insufficient to supply the needs of its own population.

This was the situation confronting Gen. Douglas MacArthur, supreme commander of allied powers in Japan, when he began the military government of Japan. The general said at one point:

> We had the choice between completely destroying this nation and its people, and letting them live in the hopes of instilling in them democratic ideals. With no moral alternative but the second, the United States should exert every effort to help the Japanese become self-sufficient so they would be a drain on the American pocketbook no longer than absolutely necessary.

I might interject here that the Japanese quickly became self-sufficient, with our help. But the drain of American jobs and income shows no signs of slackening.

At any rate, in 1947, General MacArthur asked the U.S. textile industry to help his staff develop a plan for rehabilitation of the Japanese industry. The America Cotton Manufacturers Association appointed a committee in response to the general's plan. After a lengthy series of conferences and 2-week inspection of the Japanese cotton textile complex, the committee reported its recommendations to MacArthur.

The committee members were moved deeply by what they saw. Their recommendations were designed to alleviate both economic and physical distress in Japan. At the same time, they expressed the hope that any steps taken would not be taken at undue expense of the American economy, itself in turmoil over the wrenching adjustments from wartime to peacetime footing.

Among its recommendations were these:

Establishment of a revolving fund by Congress, to be used by Japan as working capital to finance purchases of raw materials, mainly U.S. cotton.

Immediate sale of half of the Japanese textile surplus, 300 million yards, through the revolving fund, for distribution as clothing to the stricken population.

Establishment of a commercial exchange rate for the yen, as a means of obtaining credit and bringing some stability to Japanese currency.

Establishment of a specialized sales force to promote the sale of Japanese textile products. A just-retired sales executive of Cannon Mills accepted the assignment of heading up this force.

Encouragement of the reopening of normal Japanese oriental and colonial markets in the East, through expanded freedom for salesmen, trade conferences, use of the leadership of the Japanese Board of Trade and the various textile associations, and freedom to sell textiles to private firms as well as to Government through SCAP.

In all, there were 16 recommendations made by the textile industry. Within a matter of months, all 16 were in effect, with the support of both SCAP and the Congress.

General MacArthur later told the committee members:

> Your visit is destined to be one of the finest contributions which democracy has made to the rehabilitation of Japanese industry.

The recommendations worked. U.S. funds and technology aided the recovery.

And as time passed, and the Japanese textile industry grew stronger, the U.S. Government and SCAP decided the time and circumstances were right for allowing it to grow larger as well.

Another U.S. Government textile industry mission went to Japan, and its findings resulted in increased U.S. assistance for expanding and modernizing Japanese textile production. Credits for machinery were granted. Know-how to improve quality and production was imported from America. And for the first time since before the war, increases in Japanese imports in the United States were granted.

Then the military occupation ended. The Korean war began, and Japan was on its own, politically and economically.

And look how far Japan ran in the next 5 years.

By the mid-1950's, most of the giant combines and cartels which had been broken up by SCAP had been reorganized. They were backed by the government to eliminate what it called "undue competition for foreign sales."

Foreign sales were what the government was after. It paid a premium to purchasers of raw materials who would manufacture them for export. Interest charges were lower on loans to manufacturers who would buy equipment or pay operating costs for producing exports. Taxes on exports were lower. Exporters got what amounted to a 5-percent premium on exported goods.

While the export drive mounted, Japan's textile industry grew to meet its demands.

By 1955, the Japanese textile industry had grown from 2 million to 8 million spindles. Productive capacity was equal to that of 1941, thanks to American technological and financial assistance.

Using the technique of concentrating on a particular segment of the market, the Japanese, between 1950 and 1955, managed to capture one-half of the U.S. market in velveteen, one-fourth the U.S. sales of cotton gingham, 20 percent of the blouse market, and substantial volume in pillowcases and shirts.

Ask any gingham or velveteen manufacturer—if you can find one—what he was doing in 1955. The chances are he was considering going out of business. A great many of his domestic competitors were forced to. If he is still in business, he probably was able to survive by switching to another product.

One of the great textile companies in America in the mid-1950's produced about one-third of U.S. cotton gingham sales. Its president last year related that the Japanese took a full 50 percent of his gingham business with low-wage competition aimed directly at that specific market. Wool, and now manmade fiber products, are similar targets.

The inroads of imports in the 1950's, carved mostly by Japan, brought about a disastrous chain of events in the U.S. textile industry. While the rest of the U.S. economy reported growth, nearly 700 American textile mills closed their doors. Employment shrank by more than 330,000. Profits, payrolls, and investments in textiles tumbled. This happened to an industry that, more than any other, had helped rebuild modern Japan.

In 1956, Japan saw that its appetite for U.S. markets was disturbing our Government. So, rather than risk more stringent restraints on its U.S. textile exports, it quickly agreed to a "voluntary" quota on its own exports suggested by our representatives, just as it had in 1937. This bilateral treaty covered cotton textile exports from 1957 to 1961. In 1959, and again in 1961, the ceiling called for in the treaty was lifted to allow Japan more access to our markets.

In 1961, a short-term arrangement on cotton textile imports was agreed upon by 16 nations, including Japan.

Then, in 1962, came the long-term arrangement, a 5-year agreement which has been renewed for another 3 years until 1970. It has been signed by 30 nations.

The long-term arrangement covers only cotton textiles, not woolen or manmades. It sets the stage for increased import concentrations, ironically, by its very provisions. The terrific climb in Japanese manmade fiber and wool textile imports illustrates this graphically.

The LTA also suffered as a control device because it has not been administered properly by our Government, which has been reluctant to enforce the provisions on market disruption. The State Department has allowed and even encouraged compounded violations of quota agreements, permitted fiber substitutions to circumvent the agreement, and used the quotas as an instrument of international political policy.

Japan is still not satisfied. She asks for more and more.

We are delighted at the economic recovery Japan has made. We welcome her as a strong ally, and her strength today is due in very great measure to the contributions to her economy made by the United States.

What the United States has meant to Japan was very forcefully recounted by our then Minister-Counselor for Economic Affairs, Mr. Lawrence C. Vass, in a speech made in Tokyo in early 1968. Mr. Vass was discussing the balance-of-payments relationships between the two countries and he pointed out that between 1953 and 1964—

> Japan started out with official reserves of $1 billion, incurred a trade deficit of over $3½ billion between then and the end of 1964, and actually ended up with reserves of $2 billion.

Mr. Vass explained how this came about:

> Japan more than made up its deficit in its trade account with the world by achieving surpluses in other transactions with the U.S.
>
> Japan's trade deficit with us over this period was about $3.8 billion. On the other hand, Japan received $5.5 billion through

U.S. military expenditures here, and Japan also borrowed net from U.S. banks more than $3 billion.

Thus, Japan not only financed its excess of purchases of raw materials from us, but financed its entire deficit with other countries, and gained over $1 billion in official reserves. This represented a heavy net cost to the American balance of payments of several billions of dollars. This, I submit, is the often-overlooked American contribution to the Japanese miracle.

The fact is that the *increase* in Japan's exports to the U.S. in both 1965 and 1966 was greater than its total exports to any other country in the world.

This, then, is the record of what happened in our trade account during Japan's recession. What happened to our overall balance of payments? Thanks to the yen shift and other technical adjustments, there was a $600 million inflow to the U.S. on capital account for these two years. This helped a great deal in holding down our deficit with Japan; but the net result for those two years was still an overall balance of payments deficit for us of over $800 million; as usual, as in recent years, Japan accounted for about one-third of our total payments deficit.

We completed our history by looking at 1967, when Japan was again booming and her trade balance with the U.S. shrank considerably. As an American worried about our deficit, I am sad to say that the improvement in our trade balance was more than offset by heavy borrowings from the U.S. banking system, so that Japan accounted for roughly one-fourth of our total deficit. To complete this sad story, in this past year, 1967, Japan's bilateral surplus with us now looks to have been about as large as for the years 1965 and 1966 combined!

It is far past time for our Nation to stop thinking of Japan as a war-ravaged, underdeveloped nation. It is time we decide whether she really needs continued free access to our country for her textile exports. It is important that we reevaluate these trade practices when they result in loss of jobs in this country and a weakening of our capability to provide for our defense needs.

It is time that our Government started thinking less of American workers as consumers and more of American consumers as workers.

A recent analysis showed that imports currently cost the United States 227,000 textile and apparel job opportunities. On a percentage basis, Japanese imports last year cost the United States some 70,000 jobs. Secretary Stans recently predicted that unless something is done to bring this textile import situation under control, we will lose 600,000 new job opportunities in the next 6 years. Congress must not permit that to happen.

The U.S. textile, apparel and fiber complex and the 15 million people who are to some extent dependent upon it for a living are not expendable.

To prescribe upheaval for the industry and its people borders on economic insanity. But that is what the Japanese tell us we should do: Get more efficient. Close down marginal plants. Improve your technology, and so on.

The U.S. textile industry is far and away the most efficient in the world. It becomes more efficient every year. But it simply cannot withstand a relentless assault from countries which pay only a fraction of the wages paid in this country.

Japan today has the second largest gross national product in the free world; greater than West Germany, France, England, Italy, and all other European countries.

The Japanese are the largest textile exporters in the world. Yet, they have consistently refused to discuss with the United States reasonable restraints on wool and manmade fiber textile articles. They have refused despite the fact that they have negotiated such agreements with Canada and numerous European countries.

Business Week magazine last year reported that Japan is starting to use its industrial muscle to assume a role of preeminence. This may be an appropriate role.

But if Japan is to be a world leader, it must realize that there are other nations in the world that have economic and social problems of their own. Japan must understand their need to do something to correct them. A helping hand cannot be extended indefinitely when that helping hand is needed here at home.

There is no longer any justification for continuation of our overly generous trade policies with Japan. They must be moderated and moderated now, before even our costly welfare and unemployment checks bear the all too-familiar motto, "made in Japan."

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

Mr. TALMADGE. I yield to my distingunished friend, the senior Senator from Rhode Island, who has made so many contributions in this field.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I congratulate my friend and associate, the Senator from Georgia, for his very brilliant presentation.

As the Senator well knows, we have been struggling with this problem under four Presidents. As I recall, a bill was introduced in 1958 by our dear friend, the Senator from New Hampshire (Mr. COTTON) to make an investigation of the decline of the textile industry.

We traveled through practically every textile State in the country. We talked with the labor leaders. And we learned of the decline in this very, very important industry which was classified at one time by the Office of Emergency Preparedness as being the most essential industry to the security of this country second only to steel.

To this very day, we have received very little relief.

Does the Senator from Georgia think that we will ever obtain any relief by means of agreement with these countries unless we in the United States of America take definite unilateral action?

Mr. TALMADGE. I do not believe so unless the Japanese think we are going to take that action.

As the Senator stated recently in a speech, the Japanese do not want to shoot Santa Claus. That is true. If the executive branch of the Government will demonstrate very forcefully our intention to act—or Congress, or both—I think the Japanese will take notice.

Mr. PASTORE. In other words, the Senator is saying that there has to be very determined action on the part of the executive branch of the Government unless it wants Congress to dictate remedies. We must move forward with determination in the matter so as to make people understand that we have domestic problems of our own to resolve, and unless something is done by way of agreement, we will have to move unilaterally either through the executive branch or through Congress.

Mr. TALMADGE. Mr. President, the Senator has stated the situation correctly. As the Senator well knows, the Senate passed a bill last year by a vote of about 3 to 1 to do exactly that. The administration then said, "Wait, give us more time to work out a voluntary agreement. We do not want to take precipitate action."

We have waited now for more than 4 months. It is time for the executive branch of the Government to take action, or Congress should act.

Mr. PASTORE. Mr. President, does the Senator see anything wrong with reciprocity of trade? Does he see anything that injures or violates the policy of America with reference to free trade if Congress were to pass a law—and I want to say this very slowly so as to be accurate about it—to the effect that the President of the United States shall have the authority to limit imports to this country—from the country who herself limits the imports of American goods, when those imports reach a point at which they disrupt American domestic industry?

Mr. TALMADGE. I certainly do not. In fact, I think action is demanded by any country that puts the rights and responsibilities of its own people first.

As the Senator well knows, even under the rule followed by GATT—which is a free-trade, worldwide body that the United States has never officially recognized, although it does business with them because of their importance in world trade—GATT does not penalize countries for taking steps to correct a dollar drain, a gold drain, or a balanced budget deficit as we have had for 18 of the last 19 years. I think it is imperative that we do something about it.

Mr. PASTORE. Mr. President, does the Senator know of, or can he name offhand, any country in the whole free world that does not have a limitation against American goods?

Mr. TALMADGE. I do not know of a single one. Japan has the most stringent regulations against American goods of any country in the world.

Mr. PASTORE. Mr. President, does the Senator see the inequity and injustice of the situation? We are the only country in the free world that does not invoke a limitation unilaterally against any foreign imports. We are being told constantly and consistently by these countries that are flooding the American market and eliminating American jobs, every time we mention the fact that we would like to have them at least agree on a limitation and not impose it unilaterally, that we are the richest nation

in the world. Although we do have many people who are on the edge of poverty, we are told that we have a high rate of employment and a high rate of profit. Yet, we are quarreling before the Appropriations Committee about nickels and dimes, and we see this vast army of workers going down the drain. They are employed today because of Vietnam. However, where will they go after the war is concluded?

Here we are penalizing certain American industries and aiding people who limit American imports to their country. And they make no excuses or apologies about it. They say they must do it to protect their industries. Yet, when we try to do it, we are told that we can dispense with that particular industry.

Mr. TALMADGE. And we are talking about our own market, our own country.

Mr. PASTORE. Mr. President, I think the time has come when America must learn that one great maxim that charity begins at home.

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

Mr. TALMADGE. I yield to the senior Senator from New Hampshire who also made very great contributions in this field.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I thank the Senator for yielding. I, too, join my friend, the distinguished senior Senator from Rhode Island (Mr. PASTORE), who, through the years, has done so much and fought so hard in this cause, in commending the distinguished junior Senator from Georgia for the masterful statement he has made and for the significance it carries.

As the Senator from Rhode Island was kind enough to note, the Senator from New Hampshire has for long years been deeply interested in this matter.

My own State has lost untold thousands of textile jobs We are now losing jobs in the shoe industry day by day.

Throughout the years that I have had the honor of serving in the Senate, we have listened to lullabies from Presidents of both parties.

I said the other day, and I say it on the Senate floor today, that of all the Presidents under whom I have served—and I respect them all—only Harry Truman, may God bless his down-to-earth, fearless, sensible soul, ever told the State Department that it was not the boss. That statement was not particularly made with respect to a matter such as confronts us now. It was made with respect to certain other problems.

I talked with President Eisenhower. I talked with those who were close to him. I listened to the fine, honey words. However, when the chips were down, we got nowhere.

I well remember when the New England Senators—as my friend, the senior Senator from Rhode Island, will recall—met every week or two and delegated to certain Senators the job of going downtown on certain questions. It was my privilege, when I was a freshman Senator, to go with the then Senator John F. Kennedy to Gordon Gray, in the Defense Mobilization Department in an effort to do something on a kindred subject.

We got the usual brushoff. I remember that, on the way back, Senator Kennedy—and he fumed about it—said that New England was getting a raw deal. It was less than 3 years later, when he was President, that I went to the White House with another group to see him, and I took the liberty, in a nice way, as one does with the President, of recalling that incident.

He said:

> Yes, but now I am President, and I have to think of the entire country and its foreign relations.

So I have seen all of them—Eisenhower, Kennedy, Johnson—when the chips were down, listen to the State Department in the last analysis, and hold up their hands in holy horror at the idea of our ever asserting ourselves, and of Congress ever asserting itself, so that we would no longer be the only nation on earth that did not, in the form of import licenses, or the like, have some protection for the men and women who work in our industries.

Now I shall come to my point. I say to my friend from Georgia: Now we have another President. For many years I have been his friend. We were sworn in as Members of Congress on the same day. I hold him in the highest esteem. I am a member of his party. But I can see the handwriting on the wall. The Senator will understand that it is a Republican who is talking, and I can say a few things that perhaps might have more significance than if my friend from Rhode Island (Mr. PASTORE) or my friend from Georgia (Mr. TALMADGE) said then.

We sat down with Secretary Stans, and he told us about his troubles abroad and of what he was trying to do to protect American industry. He told us about the cordial reception he got. I commend him for it. I am sure that Secretary Stans earnestly, honestly, and forcefully presented our case. He told about the good reception he got everywhere—until he got to Japan.

Then it was not quite so cordial a reception. I could believe him, because in 1959, I went to Japan with the late Senator from Kansas, Andrew Schoeppel, who was then the ranking minority member of the Committee on Commerce. My interest in going to Japan was largely about textiles. I visited Kobe, went through the mills, and saw the best and most efficient machinery that one could find anywhere on God's earth. Most of it we provided them. Yet, the mills in my own State of New Hampshire were still striving to replace their old machinery and bring it up to date.

I had a chance to talk with some of the Japanese textile producers. I found at first hand that they had no more intention of ceasing or curtailing or limiting by voluntary agreement their endeavors to monopolize the American market than they had of surrendering the sovereignty of their own country, to which they are so devotedly loyal.

Personally, I am very pessimistic about our getting a voluntary agreement. It is fine for us to talk here. I am deeply impressed by the words of the Senator from Georgia. I am not challenging any Senator. But there is one thing, to be perfectly frank, about which I am getting weary. Every 2 or 3 months, some textile association or some shoe association calls on the phone or drops into the office and says, "Senator TALMADGE or Senator PASTORE or Senator HOLLINGS, or some other Senator, is going to take to the floor today or tomorrow and talk about the problem of our closing mills, or about our textile industry or our shoe industry. We hope you will get over there and have a good word to say when he finishes."

You can see I got the word, and that is why I am here now; although I am always glad to listen to the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from New Hampshire.

Mr. COTTON. I am glad I was informed.

So we come to the Chamber, and we have a field day. I have heard as many as 25 or 30 Senators participate in a roundrobin on the floor of the Senate, bleeding, dying, and shedding tears. Then a chance comes to vote on something that affects the situation. All of a sudden, there is some good reason why we cannot vote the way we talk.

Now the name of a certain gentleman is being sent to the Senate for confirmation. His name is Carl Gilbert. He is to be Special Assistant to the President for Trade Negotiations and Agreements. I am spending a good deal of time looking into his history. He is a fine, reputable manufacturer and an outstanding businessman. I have not the slightest criticism of his integrity or ability or of him personally. But I seem to find that he has a history of almost fanatical devotion to complete free trade and of opposition to trade barriers.

I have been trying to get the record of the hearings, but they will not be available until about Wednesday. I did take note of an item that appeared on the news wire. That story quoted Mr. Gilbert as saying that he regarded textiles as being in a separate class, an exception; that he wanted to support President Nixon and Secretary Stans in their endeavors to secure a voluntary agreement.

But I believe that under questioning by the Senator from South Carolina (Mr. HOLLINGS), who was permitted, through the courtesy of the committee, to ask Mr. Gilbert some questions, he indicated this did not mean that in the event of a failure to secure a voluntary agreement, he would for a moment favor some unilateral action by this country, or by Congress to place some kind of quotas on those products; not quotas to reduce imports; not even quotas to hold them exactly where they are today; but quotas that would at least restrain the advancement of imports by leaps and bounds, while our mills and factories close.

He made it very clear that in his mind textiles were an exception, and that what he had to say, even the rather cold comfort that he had to offer for textiles, did not extend to shoes or other commodities.

Mr. President, I am a Republican; I am an administration man. I may be speaking too soon, because I have not had the full text of his testimony. I have some information about his gen-

eral attitude. But if I find between now and when his nomination comes up for confirmation that the President has sent up the name of a good man but a man who is absolutely hell-bent to keep us on the present course and to oppose any action of Congress to save the jobs of our workers, I assure the Senate that there will be a rollcall vote and I intend to oppose the nomination as a means of letting the White House, the people downtown, and the world know that we have gone far enough.

I invite Senators to join me in carefully and fairly examining the record and making sure that the facts justify it. If they come to the conclusion that I may come to, I hope that there will be strong and strenuous opposition on both sides of the aisle, not political opposition, not opposition reflecting on the individual or the President's freedom of choice, but opposition to serve notice that we have talked long enough and that the time has come to demonstrate by action that the Senate, and I hope the Congress, means business.

I invite the attention of Senators to this matter. Again I commend the Senator for his fine speech.

I hope, if what I suspect is true, that we can carry this matter through again in about a week or 10 days and translate it into a protest that will mean something.

I thank the Senator for yielding.

Mr. TALMADGE. I thank the Senator for his eloquent contribution to this debate.

Mr. President, I yield the floor. I understand the Senator from North Carolina will address the Senate on this subject.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I wholeheartedly concur in the remarks made by my distinguished colleague from Georgia relative to the situation pertaining to international trade in textiles and with particular reference to the part played by Japan in this subject.

So that there may be no question in the mind of anyone relative to the importance we attach to this subject in the State of North Carolina, I wish to orient my remarks to the importance of this matter primarily to my State.

The late O. Max Gardner, one of the more astute and statesmanlike in a long line of distinguished North Carolina Governors, once said that North Carolina and the textile industry have had a very durable love affair that has persisted for well over 150 years.

In light of developments—both in North Carolina and in the textile industry—since Mr. Gardner departed this scene, I would make an even stronger statement. I would say that they are firmly wed. Today, textiles are woven into nearly every facet of life in North Carolina.

It is the very backbone of the State's economy and it supports—not only with money but with people—the social, cultural, educational and religious efforts and activities of the people of North Carolina.

The textile industry is by far the greatest single industrial employer. In its nearly 1,200 plants located in 80 of the State's 100 counties, it provides direct employment for more than 267,000 North Carolinians and pays them more than $1,207 million a year. This is just slightly more than 40 percent of the State's entire industrial work force and the textile payroll is the State's only one that is more than $1 billion.

While the textile industry is North Carolina's largest single industrial employer, the apparel industry is second. In it's nearly 500 plants—also scattered widely throughout the State—employment is provided for more than 65,000 North Carolinians, who make up 10 percent of the industrial work force. The annual payroll for these people is almost $250 million.

Thus combining the two industries to make up the textile-apparel complex, it is easy to see the enormous stake the people of North Carolina have in the issues before us today. That is because this complex provides a livelihood for more than 333,000 people who make up more than 50 percent of the industrial work force and pays them almost $1½ billion a year.

This textile-apparel complex pours millions of dollars a year into the State's treasury in bearing its fair share of the tax burden and also provides funds for the operation of county and city governments through real estate and other special taxes.

It also supports—again let me say not only with money, but also with manpower—programs of the State's institutions of higher learning—both State-supported and private; the schools, churches, recreational facilities and cultural endeavors in the plant communities.

As a social force, this complex is making great strides in solving one of our most perplexing domestic problems. That is bringing into the mainstream of American enterprise the minority groups. My North Carolina textile friends tell me that in some companies the percentage of black employment is as high as 23 percent.

Now, what is happening to this complex? All of us here have heard the story. But the situation is such that it bears repeating.

Its markets are under attack. Its growth potential is under attack. Under attack from textile producers in low-wage countries who can produce goods at a fraction of the cost of manufacturing an identical item in this country.

And, sitting behind artificial trade barriers which protect their own domestic markets, these foreign textile producers flood the free U.S. market with their goods.

There are some 50 nations which virtually prohibit the importation of cotton textiles from the United States and another 20 countries which make it almost impossible to sell U.S. products because of various restrictive devices such as tariff barriers, import licenses and border taxes. On the other hand, the U.S. market is essentially the only open textile market of the world, with the possible exception of the Canadian market. Most of the other textile markets, including those of some of the leading developed countries of the world—especially Japan, are effectively closed to textile exports from the less-developed nations and the low-wage Oriental areas.

As a consequence the United States accepts a disproportionate share of the textile exports of the low-cost producing nations.

The U.S. market is expanding at a rate of 4 to 5 percent a year while imports of textiles have been growing at a much more rapid rate—in 1968, at about 25 percent for the year. The major growth is in manmade fiber products and blends, and in 1968 the imports of these, which are under no restraints of any kind, grew at the rate of 54 percent, from 934 million square yard equivalents in 1967 to 1,439 million in 1968.

Total textile imports have increased from 956 million square yards in 1961 to 3,279 million in 1968, or by approximately 34 percent.

These annual figures do not tell the true story of injury to the U.S. industry for we do not import totals—we import specific products. Imports now take 25 percent of the men's and boys' shirt markets and 50 percent of women's sweaters. Injury to other specific product areas have been severe.

As an example, just last March a North Carolina-based textile company was forced to close permanently a plant in a small community, throwing out of work 700 to 800 people. In a statement to the press, the company said the closing was brought about by a decline in the demand and depressed prices for heavy weight cotton and synthetic blend apparel fabrics. The low prices, the statement said, were brought on, in part, by imports from the Far East.

The closing of a mill with the loss of hundreds of jobs is a dramatic example of how imports can hurt a community. But there are other, more subtle injuries caused by imports when they force a cutback in production. This means fewer hours of work a week for the employee; therefore his take-home pay is less. This, in turn, hurts the butcher, the baker, and the service station operator. A ripple is created and it spreads to the State and national economies, shrinking them proportionately.

A survey abroad reveals that in the low-wage areas of the world, particularly in the Far East, there is a major expansion of textile producing capacity aimed squarely at the U.S. market. And projections of recent trends in imports produce shocking results in a 3-to-5-year period.

The textile industry does not seek a rollback of total imports of textiles. They seek rather a program which will permit both greater domestic production and increasing imports of textiles as the U.S. market expands. They believe that increased imports with no limitation would be disastrous for the domestic textile industry and its employees, and in the long run to the economies of both the United States and the countries producing them.

The U.S. textile industry believes that because of its size, because it affects all the States in the Nation, because it manufactures products which are essential

to the Nation's economy and security, because it offers unparalleled opportunities for employment of minority and unskilled groups, because it is more vulnerable to low-wage import competition than most other industries, a means needs to be found to permit orderly growth in domestic product and import volumes.

After full and careful consideration, the President of the United States has agreed that this is so, and has made efforts to accomplish this goal. So far, however, his efforts have been rebuffed. It is most appropriate at this time that our Cabinet in its upcoming trip to Japan make it abundantly clear that a failure on the part of the Japanese to accept our invitation to voluntarily sit at the conference table and negotiate an arrangement covering international trade in all textile products will result in legislation by the U.S. Congress. Based upon all of the evidence presented to us today, I do not believe we have an alternative but to declare our intention to support the President and his Cabinet in their desire to bring orderliness and reasonableness into international trade in textiles. If our trading partners continue to turn a deaf ear to our pleas to negotiate a fair and equitable solution to the import problem, then I suggest the Congress act and I suspect such congressional action will be much more restrictive on our friends abroad than would mutual agreements reached at the bargaining table.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I commend the distinguished Senator from Georgia (Mr. TALMADGE) for his fine statement with respect to the textile industry and his reference to the threat that the flood of foreign imports is having on that industry. I have found, since I came to the Senate, that when the Senator from Georgia speaks, he speaks with well-documented and sound facts.

I also wish to commend the able Senator from North Carolina (Mr. ERVIN) who has just recited the problems in his own State, the great State of North Carolina, of the textile and apparel industry.

Mr. President, let me comment on the remarks of my senior colleague (Mr. COTTON) with reference to Mr. Gilbert who, apparently, is to be proposed by President Nixon to an important position. While I have no views on this at the present time, I will certainly check into it, because I agree with my colleague that we need very badly to have a real traumatic experience on the floor of the Senate so that not only the administration but also countries like Japan and Italy, and others, will begin to realize that we do mean business.

Second, the distinguished junior Senator from Maine (Mr. MUSKIE), whose efforts over the years to bring a measure of relief from imports to the shoe industry are well known, had hoped to be present in the Chamber today to add his voice to this discussion. Regrettably, he is unable to be present today, but he had a prepared statement to be delivered. Before I ask unanimous consent to have it printed in the RECORD, I might say that I came here today to talk about a problem that is affecting the State of New Hampshire, the State of Maine, in fact all New England—I guess the whole country.

The textile industry has problems, as I know from my own experience.

But the real crises in New Hampshire today is the one faced by the shoe industry.

As I said, the Senator from Maine (Mr. MUSKIE) cannot be here today and has a prepared statement, which I now ask unanimous consent to have printed in the RECORD.

There being no objection, the statement of Mr. MUSKIE was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDMUND S. MUSKIE

The shoe industry in America is confronted with the critical problem of foreign imports. Many small shoe companies are being forced out of existence by a combination of high labor input, narrow profit margins, and limited capital resources.

Let me outline briefly what has happened on a national scale. In 1957, before foreign manufacturers discovered the American footwear market, total imports of leather vinyl footwear amounted to 7.8 million pairs valued at $13 million. At that time there were some 970 American shoe companies operating 1,196 factories which produced 585.4 milion pairs of shoes and slippers a year. Imports amounted to only 1.3 percent of U.S. production.

In the early 1960's, as their economies progressed, other nations began to realize that the American market was wide open to them. Shoe imports to the United States began to climb—to 36 million pairs in 1961, 75 million pairs in 1964, 96 million pairs in 1966.

In 1967, imports soared to over 129 million pairs of leather and leather-type footwear valued at $217 million. This was almost 22 percent of our domestic production—much greater than the impact of steel, which has been afforded relief through legislative action.

Domestic shoe production in that same year was 600 million pairs, only two million pairs above 1957.

In 1968, imports increased again by some 36 percent to over 175 million pairs valued at $329 million. Even though domestic production reached an estimated 646 million pairs, imports climbed to 27 percent of total domestic production.

Why is it possible for shoe imports to make such inroads in our home market? This development is partially a result of the offer of something new and different to consumers. But the bulk of shoe imports come because they are produced by low-priced labor; because they are lower in price than American shoes; and because they provide retailers with a higher margin of profit.

The hard fact is that practically all imported shoes are priced to undersell comparable American-made shoes while offering retailers a higher markup.

It is the price advantage that makes the difference. Imported shoes sell at prices from $2 to $5 less than U.S. manufacturers can afford to sell them. Often the selling price of foreign footwear is below the price at which U.S. manufacturers can make them. This price difference results from the fact that foreign shoes are made by shoeworkers earning one-half the wages and fringe benefits paid our own workers in the United States.

The effect of this flood of foreign footwear on American shoe manufacturers has been critical. The number of shoe companies in the United States has dropped to 700 operating less than 1,000 plants. Some of this decline may be attributed to normal attrition within the industry. But it is significant that the number of shoe firms going out of business has accelerated with the radical increase in imports. And most of these companies can trace their failure to their inability to compete in price with imports.

Footwear imports have meant the export of jobs which should have been performed by American workers.

During 1968 there were an estimated 64,200 job opportunities lost in this industry because of imports. By 1975, it is estimated that 168,600 job opportunities will have been lost for this same reason.

If this situation continues, it will inevitably mean the loss of hundreds of shoe factories and thousands of jobs in many small towns and cities where shoe manufacturing makes an important contribution to the economic life of the community.

It will also discourage investment in new shoe plants that might otherwise come to these communities. No manufacturer is going to risk an investment of from $500,000 to $2 million in new plants and equipment when he faces price competition of this sort from importers. Thus, the community's opportunity for growth through expansion of its shoe industry will be lost—unless something is done soon to relieve the import problem.

I have joined in the request for voluntary limitations on footwear imports which will be made to President Nixon. I hope these voluntary limitations will be achieved, and I hope they will work. If they are not soon reached, or if they prove to be ineffective, legislation to enforce an orderly marketing plan for footwear will become essential to the economy of my State, New England, and many other parts of the Nation.

The parallels between the problems of the shoe industry and the textile industry are clear. Both must have prompt and effective help.

Mr. McINTYRE. Mr. President, one of this country's and my State's oldest industries is headed for disaster even in the face of a steadily growing demand for its product. This sounds incredible, yet right now and for the past 10 years over 236,000 hard-working, self-supporting, tax-paying U.S. shoe workers are gradually losing their jobs to European and Asian nationals, all because our foreign trade policy holds the door wide open to shoe imports.

From 1955 to 1967 employment in the footwear industry dropped by over 20,000 workers. New Hampshire alone has lost nearly 3,000 jobs in her footwear industry since 1962—1,200 of them in 1969 alone. Labor leaders and shoe workers are asking when this trend will stop. Nobody knows, though all of us are deeply concerned.

The shoe industry differs substantially from most other American industries which face competition from abroad. Unlike the oil industry, for example, the shoe industry receives no special tax subsidies and privileges. Unlike the steel industry, the shoe industry is not a major beneficiary of buy American legislation. Unlike many of our food producers, shoe manufacturers cannot rely on Federal price supports. Unlike the shipbuilding industry, the shoe industry does not have the advantage of federally supported mortgages or Federal insistence on using American hulls.

In short, the shoe industry, which receives no special Federal subsidies, has a valid argument in its efforts to seek a rational measure of relief from imports.

The bald truth is that our foreign trade policy is in effect giving jobs of American workers to their foreign coun-

terparts. Last year in the United States over a billion pairs of shoes were sold at retail, but this did not help domestic manufacturers and workers because over 175 million pairs were imported from countries where wage scales are pitifully low. Among those sending us most of the shoes we import, Italy pays highest wages; yet these are less than half the U.S. average. In Taiwan 22 cents an hour is considered good pay. And in Spain, which last year more than doubled its shoe shipments to us, there is a 2-year "no compensation" apprentice system for children.

Consider the impact on a town like Derry, N.H., when Jodi Shoe Co. closed last week. There were approximately 1,200 nonagricultural workers in Derry. Two hundred and fifty of them lost their jobs when Jodi closed. Twenty percent of the work force in a town of 4,500 people, out on the street. This company produced women's shoes of good quality. It paid its workers a fair wage for a fair day's work. It is now out of business and 250 workers are without jobs because of low-wage imports which have now taken over 26 percent of our domestic market.

There is currently pending before the Committee on Finance a proposed Orderly Marketing Act. I joined in sponsoring this legislation because I have become disillusioned with the possibility of the administration's acting to negotiate voluntary trade agreements with the principal foreign suppliers of shoes.

The time has come for clear-cut action by the Congress to impose marketing arrangements on shoes.

Mr. President, I was an early supporter of the petition which the distinguished senior Senator from Maine has circulated, asking President Nixon to begin negotiations for voluntary limitations on footwear imports. I sincerely hope this petition, which now carries the names of 45 Members of this body, will receive immediate and serious consideration at the White House. Help cannot come too quickly for the shoe workers of this Nation, and anyone who doubts the need for such help is invited to visit Derry, N.H.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Georgia for the address he has delivered.

Wool production is important to the economy of my State of Idaho, and I am acutely aware of the ominous implications of steadily rising volumes of wool textile imports. Those coming from Japan are especially disturbing because, given the low-wage rates in the country, I see no means by which our textile industry can compete against them in the absence of some sort of workable international agreement. Technology and managerial efficiency alone are not sufficient because these are as accessible to the Japanese as they are to us. Anyone who thinks this is not true need only study the trade statistics which will show that Japan enjoys a substantial trade surplus with the United States in nearly every major category of manufactured products, except aircraft. Are we to infer from this that the United States lags in technology and managerial efficiency in every important line of manufacture?

The fact is, as Senator TALMADGE has pointed out, that Japan's trade advantage vis-a-vis the United States is based on low wages, on one hand, and an extremely restrictive trade policy on the other. She keeps her wages low, in part, by refusing to permit foreign capital to establish plants in Japan, which would bid up real wages to the benefit of Japanese workers. She keeps her trade surplus large and growing by excluding manufactured imports and providing comprehensive export incentives to her producers.

Obviously, this is a clever strategy for developing a country rapidly at the expense of its trading partners. But the fact is that the main burden of this strategy falls on the United States, since all other major countries have seen fit to defend their domestic economies from undue dislocation originating in trade relations with Japan. Nearly every nation except the United States, for example, strictly controls textile imports from Japan.

I believe that it is time we faced the fact that Japan has not achieved her remarkable growth exclusively by means compatible with the concepts of free trade she insists upon when discussing our trade policy. Once this fact is recognized and accepted, we should be able to get beyond the semantics and attack, pragmatically, the problem of how to set up a reasonable and equitable basis for textile trade.

Mr. President, I know that I speak for the majority of my constituents as well as for millions of Americans living in other States when I say that our Government has every right to expect cooperation from Japan in the matter of international negotiations on textile trade. Our economic and social situation call for it, and our history of generosity toward Japan following a bitter and destructive war justifies the expectation that Japan will respond to our bid for constructive negotiations.

Mr. RANDOLPH. Mr. President, the able and distinguished Senator from Georgia (Mr. TALMADGE) has focused attention on the serious problems confronting the United States because of the volume of imports of textile articles.

As our colleague has stated, the United States has embarked on an effort to obtain from its trading partners agreement to a reasonable basis for trade in textile articles. His references to Secretary of Commerce Stans, who has carried forward this effort and his reception in Japan, are particularly important.

Imports of textile articles from Japan represent a significant portion of total textile imports. These imports constitute a wide range of textile commodities and have an effect on all segments of the overall textile industry, including manmade fiber production, as well as fabric and apparel manufacturing. The constantly growing imports, as pointed out have a damaging effect on our total textile employment and employment dependent on or generated by the U.S. textile industry. Frankly, it is my belief that for areas such as our State of West Virginia, and other areas of the Appalachian States, there is a potentially tragic implication.

In March 1967 I spoke in this Chamber in colloquy with the senior Senator from Rhode Island (Mr. PASTORE). It was a privilege to support his efforts to remedy the textile import problem. I related the importance of the textile-apparel-manmade fiber complex to the Appalachian States. I noted the seeming incongruity of allowing imports to prevent job expansion while the Congress has committed our Government to special programs for the approximatley 20 million inhabitants of the 13-State area. The threat presented by the low-price, low-wage Japanese imports has a very real impact on the citizens of the Appalachian area, where textile industry employment represents approximately one out of every four manufacturing jobs. While it is not fully an Appalachian problem, or a problem of West Virginia, and though indeed it is a serious national problem, the effect of growing textile imports manifests itself most dramatically among these workers.

Mr. President, this is a major U.S. industry, employing in total over 2 million people directly, and millions more in supporting industries or businesses dependent on the continued health of textile operations.

I assure the Senator from Georgia and other colleagues of my continued cooperation in efforts to secure an equitable remedy to the import problem facing the textile, manmade fiber and apparel industry complex.

Mr. President, every major industry in our State of West Virginia is afflicted by the damaging impact of rapidly rising imports. These include food products, textile mill products, apparel, and manmade fibers, lumber and wood products, chemicals, glass, china and earthenware, steel, shoes, and electronic components. All are important industries. I have stressed this on many occasions. Today, however, I emphasize textile operations which involve over 9,000 workers in our State.

Under these circumstances, my interest in President Nixon's program for negotiating a solution to the textile import problem is understandable. A solution to this problem, however, will not represent a panacea for West Virginia. It will help to protect the jobs of nearly 9,500 workers.

It seems clear from the reports that have been issued concerning Secretary Stans' trips to Europe and the Far East that Japan is the key to the prompt commencement of negotiations between the United States and the principal suppliers of textile products to the United States. Japan is certainly a major source of the imports which are damaging to domestic employment levels. The inroads of Japanese products into the American market are based on their low wages. While we may have certain advantages, our wages—four or five times greater than those paid in Japan—simply make it impossible for us to compete.

An indication of the textile import problem is contained in a recent report issued by the Trade Relations Council of the United States. The report estimates the jobs lost in 1966—the latest year for which complete Government data was

available—as a result of our foreign trade deficit in the products of manufacturing industries. Our Nation's import deficit in textile mill products, apparel, and manmade fibers amounted to an equivalent of 82,000 jobs.

The same report has a special analysis of the employment effects of U.S. trade with Japan in 1967. Our Nation's trade deficit with Japan for that year represents a loss of 28,000 jobs in the textile mill products, apparel, and manmade fibers industries.

Mr. President, I firmly believe that our Nation can exercise some reasonable amount of regulation over the rising consumption of foreign goods to help domestic industries.

President Nixon and Secretary Stans should be strongly supported in their efforts to find a solution to the textile import problem. I support now—as I have in the past—legislation that will regulate the amount of foreign-produced textiles which can be admitted to the United States.

Congress can make its desires perfectly clear to the President and our trade partners. Our imports need to be regulated in some reasonable manner consistent with the welfare of our people as well as that of those workers in other lands who desire access for their products to the U.S. market. If the torrent of imports is not brought under the control of a safe channel, it will erode the American market to such an extent that the welfare of foreign workers will be sacrified, no less than that of our own people.

ADJOURNMENT TO 11 A.M.

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with its previous order, until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 34 minutes) the Senate adjourned until tomorrow, July 1, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1969, under authority of the order of June 27, 1969:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Roderic L. O'Connor, of New Jersey, to be an Assistant Administrator of the Agency for International Development.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

David W. Oberlin, of Minnesota, to be Administrator of the St. Lawrence Seaway Development Corporation, vice Joseph H. McCann, resigned.

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Willard Roper, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved 28 June 1879 (21 Stat. 37) (33 U.S.C. 642), vice Maj. Gen. Clarence C. Haug, who is retiring on July 31, 1969.

Executive nominations received by the Senate June 30, 1969:

INCORPORATOR

Carter L. Burgess, of New York, to be an Incorporator of the corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968, vice Edgar F. Kaiser.

ATOMIC ENERGY COMMISSION

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1974.

IN THE AIR FORCE

Lt. Gen. Seth J. McKee, FR4279 (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of general, under the provisions of section 8066, title 10 of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10 of the United States Code.

To be general

Lt. Gen. John C. Meyer, FR4496 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Jack J. Catton, FR4719 (major general, Regular Air Force), U.S. Air Force.

To be lieutenant general

Maj. Gen. Harry E. Goldsworthy, FR1631, Regular Air Force.

Maj. Gen. John W. Vogt, Jr., FR8709, Regular Air Force.

Maj. Gen. Timothy F. O'Keefe, FR4608, Regular Air Force.

Maj. Gen. George S. Boylan, Jr., FR4836, Regular Air Force.

Maj. Gen. George B. Simler, FR9236, Regular Air Force.

Maj. Gen. David C. Jones, FR9887, Regular Air Force.

Maj. Gen. Paul K. Carlton, FR8693, Regular Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To be brigadier generals

Col. Clarence E. Atkinson, FG751239, Delaware Air National Guard.

Col. William J. Crisler, FG822488, Mississippi Air National Guard.

Col. Jack Motes, FG1180275, California Air National Guard.

Col. Earl G. Pate, Jr., FG781393, Tennessee Air National Guard.

CONFIRMATION

Executive nomination confirmed by the Senate, June 30, 1969:

CHAIRMAN, JOINT CHIEFS OF STAFF

Gen. Earle Gilmore Wheeler, O18715, Army of the United States (major general, U.S. Army), for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 1 year.

HOUSE OF REPRESENTATIVES—*Monday, June 30, 1969*

The House met at 12 o'clock noon.

Rev. Donald H. Bowen, Downtown Baptist Church, Alexandria, Va., offered the following prayer:

Lord God, into Thy holy presence we come, not as beggars asking crumbs, but as children talking to their father.

We pause to ask Thy special favor upon these, our leaders. May every single one of us be mindful of the promise that the fear of the Lord is the beginning of wisdom and your further promise of blessing to those who place their trust in You. As with Thy servant of old, may we not be ashamed then to bow our heads and ask for wisdom, understanding, and most of all, a double portion of Thy spirit.

And here, on the eve of our national birthday, may we be especially mindful of Your many blessings upon this land of ours and may we be proud to salute the Stars and Stripes and sing "God Bless America." At the same time, may we be mindful of Your promise: "Righteousness exalteth a nation, but sin is a reproach to any people," and most of all, mindful of that word of warning, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchmen waketh but in vain."

In the name of Jesus Christ, Your Son, our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, June 27, 1969, was read and approved.

CONFERENCE REPORT ON S. 1011, TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM, 1970

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-333)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1970, the sum of $26,000,000 as follows:

"(1) research and development operating expenses, not more than $17,223,000;

"(2) design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $5,355,000;

"(3) design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,450,000; and

"(4) administration and coordination, not more than $1,972,000.

"(b) Expenditures and obligations under any of the items in this section except item (4) may be increased by not more than 10