Mr. SISK: Committee on Rules. House Resolution 463. Resolution for consideration of H.R. 6508, a bill to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters (Rept. No. 91-347). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 464. Resolution for consideration of H.R. 11702, a bill to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes (Rept. No. 91-348). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 12548. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. LENNON, Mr. PELLY, Mr. DOWNING, Mr. KEITH, Mr. KARTH, Mr. DELLENBACK, Mr. ROGERS of Florida, Mr. POLLOCK, Mr. HANNA, Mr. GOODLING, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. ANNUNZIO, Mr. FREY, and Mr. BIAGGI):

H.R. 12549. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of California:

H.R. 12550. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other puposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 12551. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 12552. A bill to direct the Commissioner of the District of Columbia to establish an Ambulance Service Corps in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LONG of Louisiana:

H.R. 12553. A bill to direct the Secretary of Commerce to reopen the Weather Bureau Station at Alexander, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 12554. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 12555. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 12556. A bill for the relief of the living descendants of the Creek Nation of 1814; to the Committee on Interior and Insular Affairs.

By Mr. PODELL:

H.R. 12557. A bill to amend the provisions of the Public Health Service Act which relate to student loans so as to provide for the making of direct loans to U.S. citizens studying in foreign schools; to the Committee on Interstate and Foreign Commerce.

H.R. 12558. A bill to amend the Tariff Schedules of the United States with respect to the prohibition on the importation of certain fur skins; to the Committee on Ways and Means.

H.R. 12559. A bill to repeal the prohibition on the importation of certain fur skins; to the Committee on Ways and Means.

H.R. 12560. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education, and including certain travel; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 12561. A bill to equalize civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12562. A bill to amend the Civil Service Retirement Act to extend to employees retired on account of disability prior to October 1, 1956, the minimum annuity base established for those retired after that date; to the Committee on Post Office and Civil Service.

H.R. 12563. A bill to amend section 8338, title 5, United States Code, to correct inequities applicable to those employees or members separated from service with title to deferred annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. FUQUA, Mr. BENNETT, Mr. HALEY, Mr. CHAPPELL, Mr. FASCELL, Mr. ROGERS of Florida, Mr. BURKE of Florida, Mr. PEPPER, Mr. CRAMER, Mr. FREY, and Mr. GIBBONS):

H.R. 12564. A bill to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha"; to the Committee on Public Works.

By Mr. TEAGUE of Texas (by request):

H.R. 12565. A bill to provide for the appointment of a layman as Deputy Chief Medical Director of the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 12566. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 12567. A bill to amend the Communications Act of 1934 to prohibit the granting of authority by the Federal Communications Commission for the broadcast of pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 12568. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNEY:

H.J. Res. 802. Joint resolution authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence; to the Committee on the Judiciary.

By Mr. MCKNEALLY:

H.J. Res. 803. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN (for himself, Mr. CONTE, Mr. MCDADE, and Mr. WYMAN):

H. Res. 460. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 12569. A bill for the relief of Mrs. George Mooney; to the Committee on the Judiciary.

SENATE—*Tuesday, July 1, 1969*

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

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

Almighty God, from whom cometh every good and perfect gift, we give Thee thanks for life and thought, for work and love, for high craftsmanship and noble art, for parents and friends, for patriots and prophets, for teachers and statesmen; for this Nation rich in opportunity and promise, and all the many blessings for which we gratefully praise Thy bounteous providence. Enable us to live every day in the spirit of gratitude, and to use each hour and every faculty in repayment of Thy goodness and in service to our fellow citizens. Give Thy higher wisdom, we beseech Thee, to the President of the United States, to those in Congress assembled, and to all whom we have set in authority over the Nation.

In Thy holy name. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 30, 1969, the President had approved and signed the following acts:

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

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

EXECUTIVE MESSAGES REFERRED

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

(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 passed a bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 296) providing that when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, and it was signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, 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 Monday, June 30, 1969, be dispensed with.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from California (Mr. CRANSTON) has been granted recognition for not to exceed 1 hour. I have discussed with him the proposal I am about to make.

I ask unanimous consent that I may be allowed to proceed for 6 minutes at this time apart from the hour allocated to the Senator from California.

The PRESIDENT pro tempore. Does the Senator from Montana ask unanimous consent that he may proceed for 6 minutes at this time, without the time being charged to the time allocated to the Senator from California?

Mr. MANSFIELD. That is correct.

The PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 6 minutes.

PROPOSED GUN CONTROL AND OBSCENE AND PORNOGRAPHIC LITERATURE BILLS

Mr. MANSFIELD. Mr. President, it would be my hope that the Committee on the Judiciary would immediately, after the Fourth of July recess is completed, start hearings on an amendment to the Gun Control Act of 1968 which I offered on February 4, 1969. The amendment offers an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence.

For a first offender the penalty would be a mandatory 1 to 10 years in prison. For a subsequent offense the penalty would be a mandatory 25 years in prison. Furthermore, under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the gun criminal will be compelled to serve additional time in prison solely for deciding to use a firearm.

It seems to me that no leeway or discretion is needed for a criminal gun user who employs this weapon in the committing of a crime. The ultimate application of this amendment, if approved, will be up to the criminal himself.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I made covering this amendment.

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

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proopsal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years for his choosing to use a gun. It seems to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the RECORD.

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

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

"S. 849

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"'(a) Whoever—

"'(1) Uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"'(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, "shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."'

Mr. MANSFIELD. Mr. President, the second piece of proposed legislation which I would urge the Judiciary Committee to face up to relates to unsolicited obscene and pornographic literature being sent through the U.S. mails. I have received numerous protests from my constituents in Montana, and I believe the situation has reached such a magnitude that it demands action on the part of the Federal Government.

First of all, it is important to protect children against this kind of traffic in smut. Furthermore, I see no reason why the average citizen should have to put up with this kind of unsolicited material sent through the mail. The responsibility for keeping this material out of the mail should be placed on the sender, not the unsuspecting boxholder as is now the case.

It would be my hope, Mr. President, that very shortly hearings on S. 2073 and S. 2074, introduced by the minority leader (Mr. DIRKSEN) and other Senators, and S. 2057, introduced by the Senator from Indiana (Mr. BAYH) and other Senators, will be held, and the bills given

the immediate and considerate judgment which they deserve.

I have written letters to the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. EASTLAND), asking that these requests be given every consideration.

EXPRESSION OF CONCERN BY MRS. MARY RITA MALLOY, OF MALTA, MONT., ABOUT THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, I have received a heartrending letter from a longtime friend and former student of mine at the University of Montana, Mrs. Mary Rita Malloy, of Malta, Mont.

Mrs. Malloy and her husband, Dr. Malloy, have raised a fine family in a small town along what is known as the Hi-Line of Northern Montana. Like many other American mothers, she is deeply concerned about the situation in Vietnam and the effects it will have on her family and, along the same lines, of other families under similar circumstances throughout the Republic. Mary Rita speaks from the heart, and it is my impression that what she has put down on paper is the result of pent-up feelings covering the years of our tragic and unnecessary involvement in Vietnam; feelings which reached the point where she just felt she had to relay her thoughts to someone in authority.

I am sure this was not an easy letter for her to write; nor, may I say, was it an easy letter for me to answer. However, after deep thought and much consideration, I felt that her letter was of such import and represented the feelings of so many other mothers that it should be incorporated in the RECORD so that other Senators, who are just as interested in Vietnam as I am, would have the benefit of what she had to say. Therefore, I ask unanimous consent to have printed in the RECORD the letter from Mrs. Mary Rita Malloy, of Malta, Mont., and my answer thereto.

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

MALTA, MONT.,
June 23, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I have often advised my children to be honest, and to say what they think—so I am attempting to do that now.

As you might recall, we have three sons—Dan, who will be a junior at Creighton Medical School, (destined to enter the Air Force after completion of his medical education); Danny, who interrupted his education, prior to entering Law School, after graduating from the University of Montana, to satisfy his "military obligation"—he is now an Ensign in Navigator training in the Naval Air Corps; and Jack, who graduated from Carroll and will be a freshman at Creighton Medical School—and who wonders what situation he will face.

We have five younger children, four girls and one boy. I have thanked God for our family, and realize that we are more fortunate than thousands of other parents, whose sons were killed in Viet Nam.

That is why I cannot just remain silent—I want to object to *someone* and pray to God that some action or policy-making decisions will change the philosophy that wars are inevitable—thus *demanding* that each parent, when he sees a baby son for the first time—face the inexorable fact that in "some" future war, that boy's death will be reported in the news media as "American casualties were *light!*" Mr. Mansfield, there *are* no "light" casualties!

We had a letter from Danny today, stating that he will be home during July between phases of his training. He said, "I have so much on my mind—I'm looking forward to being able to talk to you." That bothers me, because quite honestly, Senator Mansfield, I want to be able to encourage him, tell him to be optimistic, and to know that at the age of twenty-three, his future is good—but I don't know what to say.

Last night, a friend of his visited us, to say good-bye before leaving for Viet Nam—he is a Marine lieutenant, trained to do all the unpleasant things war demands—and in direct opposition to his nature and training by his family, school and Christian principles. I have to state my opposition to a world situation which demands such sacrifice, yet provides so little intelligent reason to justify it.

If our situation is a result of the faults in human nature which cannot change—then I guess we cannot change human nature. But, Senator Mansfield, if the determination of some political party to prove it's wisdom or superiority, or some military pride, or some economic need to maintain some Dow-Jones Price Index—is the crucial factor in making policies and decisions—I would beg that some thought and consideration be given to what it will mean to the fundamental rights of millions of Americans. Actually, Senator Mansfield, we should have the freedom to raise our sons to face their own future, indefinite as it might be—it seems we have lost that right.

Thank you for all your efforts to do your job well. At this moment in History, the problems are tremendous—and I pray your efforts will meet with success.

Thank you for your attention.

Sincerely,

MARY RITA MALLOY.

U.S. SENATE, OFFICE OF THE MAJORITY LEADER,
Washington, D.C., July 1, 1969.

Mrs. MARY RITA MALLOY,
Malta, Mont.

DEAR MARY RITA: Your thoughtful letter has moved me deeply. It is an expression of great sensitivity and integrity. In reading it, I felt in a most personal way the concern and the anguish which beset so many American families at this time.

May I say that I agree with you completely that there are no "light" casualties in Viet Nam. Each death diminishes us all and for the family directly affected, it is a grievous and overwhelming tragedy.

It is understandable that you have difficulty in trying to find "reasons" to give your son for the conflicts. The Vietnamese involvement accentuates what, in a sense, underlies all wars—and that is the collapse of reason. There are, indeed, no logical explanations, except that war—even "limited" war—once set in motion tends to feed and grow upon itself in accord with its own appalling logic until brought to a halt not merely by the desire for peace but also by a combination of a determined effort to negotiate the conditions of peace and a complex of other factors.

It is not easy to undo initial mistakes which have been compounded over the years and I do not know when President Nixon can bring this barbaric and frustrating conflict to an end. The President, of course, wants to end the struggle and, in his lights, is making a determined effort at negotiating satisfactory terms of peace.

I can assure you that, insofar as I am concerned, there will be no acquiescence in the indefinite prolongation of this war. Certainly no support whatsoever will be forthcoming for its continuance on the grounds of a vain pride or economic benefit regardless of whose pride and whose benefit may be involved.

With best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, the subcommittee will be permitted to meet.

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

The PRESIDENT pro tempore. Without objection, the committee will be permitted to meet.

EXECUTIVE SESSION

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

The PRESIDENT pro tempore. Without objection, the Senate will go into executive session to consider the nominations.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the U.S. Air Force be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the U.S. Air Force are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the U.S. Navy be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the U.S. Navy are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read the nominations in the Air Force placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations in the Air Force placed on the Secretary's desk are considered and confirmed en bloc.

The President will be immediately notified of the confirmation of the nominations.

LEGISLATIVE SESSION

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

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order of yesterday, the Chair recognizes the distinguished Senator from California.

EARL WARREN

Mr. CRANSTON. Mr. President, I rise to join with fellow Senators in paying tribute to a fellow Californian, Earl G. Warren, on his retirement as the 14th Chief Justice of the United States.

This bipartisan expression of Senate respect for a great jurist is fitting tribute to Chief Justice Warren's distinguished career as a public servant, spanning more than 50 years. From the time he was appointed clerk of the Judiciary Committee of the California Assembly at the age of 28, until his retirement as Chief Justice last Monday, he served with honor and integrity.

Among his many achievements, Earl Warren was the only person in the history of my State to be elected Governor for three successive terms. Before that, he served as California attorney general.

On the national scene, he was twice a candidate for his party's Presidential nomination and once candidate for Vice President of the United States.

But there is no question that the height of Earl Warren's career was his 16-year tenure as Chief Justice of the Supreme Court.

During those years, Earl Warren clearly left his stamp on the Court, so much so that the Court was referred to as the "Warren Court."

The "Warren Court," in many respects, reflected the sense of fairness of Earl Warren and his respect for the rights of individuals.

From this atmosphere, arose Brown against Board of Education which declared segregated public schools unconstitutional, Baker against Carr, and Reynolds against Simms which established the "one-man, one-vote" doctrine, and Gideon against Wainright which declared that all defendants in serious criminal cases have the right to be represented by counsel.

Earl Warren's feeling for the rights of others may be gleaned from his opinion in Brown against Board of Education in which he comments on the effect of segregation on schoolchildren.

> To separate them from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place.
>
> Separate educational facilities are inherently unequal.

Chief Justice Warren was many times the subject of controversy; but that was to be expected, as progressive change is often the subject of such controversy. Many who disagreed with the Supreme Court's decisions on segregation, rights of the accused, freedom of speech, freedom of press, and freedom of religion expressed their disagreement in personal attacks on its Chief Justice.

But Justice Warren has withstood these attacks and has remained undaunted by the rhetoric of his critics. He has consistently stood for the ideals which he believed represented the true spirit of America.

I am sure that history will find that his judgment was correct. Earl Warren will be remembered as a great Chief Justice.

What worries me today is whether we, and those who come after us, will have the good sense to realize the greatness of his legacy to America and to act upon it while we still have time. It is a simple legacy. That is what makes it a great one.

In a time of doubt and confusion and turmoil he reaffirmed the dignity and the worth of the individual and insisted that every citizen, no matter what his color or what his status in life, is entitled to the equal protection of our laws.

That is the very essence of law and order and justice. Without it, we will be without true law, true order, true justice.

The people of our land, and those responsible for enacting, interpreting, and enforcing the law of our land, differ deeply over decisions of the "Warren Court" concerning rights of the accused in relationship to the need for effective crime control. There is room for that difference. There is no room for difference on the principle of equal protection under the law for each and all citizens.

One can quibble—and lawyers will—about how Earl Warren stacks up against Holmes, or Pound, or Brandeis. But Earl Warren does not need defenders; he has a clear and majestic vision of his country's history and of the role of our Constitution in it.

He is a good and a decent and a compassionate man in an age when such virtues are notably lacking.

I hope future historians will say of Earl Warren and his times that in an era of doubt and confusion, of bigness and computers, of nuclear bombs and urban tension, and at a time when some of the fearful predictions of Orwell, Kafka, or Huxley appear to be coming true, that in such an era he returned to the sources of America's greatness: her Constitution and her bill of rights.

He reaffirmed the dignity of the individual human being and urged us to realize the long unrealized American ideal of equal rights for every individual, under law.

I also hope historians will go on to say that America heard the message, that the Civil Rights, Housing, and Economic Opportunity Acts of the sixties were expanded and strengthened by equally imaginative programs in the seventies and eighties. And that America and Americans grew together, and grew in spiritual greatness, in the years that followed.

I hope it will be recorded that individual liberty and the promise of equality were fulfilled and matched by a growing spirit of fraternity in the land.

I hope this is what history will say, but, of course, this depends upon what we do to confirm the magnificent vision of America which Earl Warren showed us.

We need more men like you, Earl Warren, and thanks for a job well done.

Mr. President, three Senators who could not be present today, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), have asked that their statements be placed in the RECORD. I ask unanimous consent that their statements be printed in the RECORD.

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

Mr. SCOTT. Mr. President, I am pleased to join with my colleagues in paying tribute to the former Chief Justice of the United States Supreme Court, the Honorable Earl C. Warren.

It has been my privilege to know Justice Warren for almost half of his fifty-two years in public service. He began his service to his fellowmen in 1920 as a Deputy District Attorney of Alameda County, California, became District Attorney in 1925, Attorney General of California in 1939, and in 1943 was elected Governor. The people of California re-elected Governor Warren in 1946 and again in 1950, the only three-term Governor in the history of that State. In 1953 he was nominated by President Eisenhower to be Chief Justice of the Supreme Court and in October of that year took his oath of office and his seat.

Many things have been said and written about the Supreme Court during the sixteen years that Justice Warren presided over it, but I think that the words of the President of the United States on the occasion of the final day of Justice Warren's service explain how much Justice Warren's service on the Court has meant to America and her people.

I ask unanimous consent, Mr. President, that the remarks of the President upon the swearing-in of the new Chief Justice, Warren Burger, be included at this point in my remarks.

Mr. Chief Justice, may it please the Court:

I am honored to appear today, not as President of the United States but as a Member of the Bar admitted to practice before this Court.

At this historic moment I am reminded of the fact that while this is the last matter that will be heard by the Chief Justice of the United States, the first matter to be heard by this Court when he became Chief Justice was the occasion when, as Vice President of the United States on October 5, 1953, I moved the admission of Warren Olney, III, and Judge Stanley Barnes to be members of this Court.

I have also had another experience at this Court. In 1966, as a Member of the Bar, I appeared on two occasions before the Supreme Court of the United States. Looking back on those two occasions, I can say, Mr. Chief Justice, that there is only one ordeal which is more challenging than a Presidential press conference and that is to appear before the Supreme Court of the United States.

On this occasion, it is my privilege to represent the Bar in speaking of the work of the Chief Justice and in extending the best wishes of the Bar and the Nation to him for the time ahead.

In speaking of that work, I naturally think somewhat in personal terms of the fact that not only is the Chief Justice concluding almost 16 years in his present position, but that today he concludes 52 years of public service to local, State and National Government:

As District Attorney in Alameda County, as Attorney General of the State of California, as Governor of the State of California, the only three-term Governor in the history of that State.

The Nation is grateful for that service.

I am also reminded of the fact that the Chief Justice has established a record here in this Court which will be characterized in many ways. In view of the historical allusion that was made in the opinion just read, may I be permitted an historical allusion?

Will Rogers, in commenting upon one of the predecessors of the Chief Justice, Chief Justice William Howard Taft, said that "It is great to be great. It is greater to be human."

I think that comment could well apply to the Chief Justice as we look at his 52 years of service. One who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all-encompassing, the dedication to his family, his personal family, to the great American family, to the family of man.

The Nation is grateful for that example of humanity which the Chief Justice has given to us and to the world.

But as we consider this moment, we also think of the transition which will shortly take place. We think of what it means to America, what it means to our institutions.

Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change in America than any in our history.

And that brings us to think of the mystery of Government in this country, and for that matter in the world, the secret of how government can survive for free men. And we think of the terms "change" and "continuity." Change without continuity can be anarchy. Change with continuity can mean progress. And continuity without change can mean no progress.

As we look over the history of this Nation, we find that what has brought us where we are has been continuity with change. No institution of the three great institutions of our Government has been more responsible for that continuity with change than the Supreme Court of the United States.

Over the last 16 years there have been great debates in this country. There have been some disagreements even within this Court. But standing above those debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity. These great and simple attributes are, without question, more important than all of the controversy and the necessary debate that goes on when there is change, change within the continuity which is so important for the progress which we have just described.

To the Chief Justice of the United States, all of us are grateful today that his example, the example of dignity, the example of integrity, the example of fairness, as the chief law official of this country, has helped to keep America on the path of continuity and change, which is so essential for our progress.

When the historians write of this period and the period that follows, some with a superficial view will describe the last sixteen years as the "Warren Court" and will describe the Court that follows it as the "Burger Court."

I believe, however, that every Member of this Court would agree with me when I say that because of the example of the Chief Justice, a selfless example, a non-selfish example, that this period will be described, not only his but that of his successor, not as the Warren Court, not as the Burger Court, not in personal terms, but in this hallowed moment in this great Chamber, the Supreme Court. It was always that way; may it always be that way. And to the extent that it is, this Nation owes a debt of gratitude to the Chief Justice of the United States for his example.

Mr. MUSKIE. Mr. President, a great many years will pass before a definitive assessment can be made of the Warren Court. It is too early to sum up the career of Chief Justice Warren, for he is still a vigorous man whose active life is far from over.

But it is not too soon to acknowledge the immense contribution he has made to justice in America, and to the belief that social progress *can* be made under the rule of law.

That belief is under fire today. Some of our citizens, frustrated by the continuing inequities in American life, have rejected the law in favor of violence. Their destructiveness has produced fear and outrage and a demand for the rough suppression of dissent. There is a deep pessimism in the air—a profound doubt as to the ability of this rich, free nation to provide conditions of order, liberty, and opportunity for all its people.

There are those who say, and perhaps believe, that the Warren Court is in part responsible for this sense of bitter unrest: that it has unleashed great passions among minorities, which threaten the security of the majority; that it has tied the hands of lawful authority in dealing with crime; that it has been unduly responsive to the rights of the individual, and oblivious to the rights of society.

This argument seems to me to confuse, not only the nature of history, but the principles on which our Republic was founded.

Can anyone believe, that in the absence of judicial attacks on racial segregation, minorities in America would have remained forever content with second-class citizenship? Can anyone seriously contend that over twenty million Negro Americans would have accepted the continuing insult of segregation, if the Supreme Court had not found it unConstitutional?

And whatever may be our reservations about particular decisions of the Court in the field of law enforcement, can we really believe that we would have the kind of America we want if police power were wholly unrestrained? The protection of individual rights is not just the concern of criminal defendants. It is central to the American idea. It is the bone and marrow of our democracy.

At a time when the political agencies of government were paralyzed, the Supreme Court, under Chief Justice Warren, moved to end the blight of racial segregation.

At a time when political popularity seemed to require men to speak scornfully of the rights of criminal defendants, the Supreme Court, under Chief Justice Warren, reminded us that where those rights are ignored, the rights of law-abiding citizens are themselves put in jeopardy.

At a time when being disenfranchised for reasons of race or geography was widely tolerated, the Supreme Court, under Chief Justice Warren, insisted that a free man's right to vote is a full right or it is no right at all.

Thus it seems to me, Mr. President, that far from having caused the troubles we know in our country today, the Supreme Court has helped to make possible the eventual and just resolution of those troubles. It has reminded us of who we are, and of what the democratic ideal requires us to be.

The Court itself has often been divided, as seems inevitable in the face of the grueling issues that have faced it. Yet, throughout this tumultuous period, the figure of Chief Justice Warren has remained before us with a kind of serenity. A man of generosity and compassion, he represents the enduring values of our country, its faith in justice, tolerance, and individual dignity. He has helped to keep alive the idea that democratic government is responsive to the needs of all its people.

Long after the calumny that has sometimes been hurled at him has ended, the mark he has made on American life will remain. It is the mark of one who sought to do justice unto his fellow men, and to help each of them stand boldly and freely as men are meant to do.

Mr. RIBICOFF. Mr. President, the Justices of the Supreme Court have one of the most difficult jobs in our government. They must interpret constitutional phrases such as "due process," "equal protection of the laws," and "unreasonable searches and seizures." These terms have no fixed and immutable meaning. They can be applied to individual cases only in the light of a Justice's own experience and moral values, and the deeply rooted principles on which our society is based.

Earl Warren travelled a long road to the Supreme Court which prepared him well for this demanding task. He was the son of Scandanavian immigrants. His father worked for the Southern Pacific Railroad near Bakersfield, California. He knew poverty and deprivation. His father was brutally murdered in a robbery that was never solved.

After graduation from law school he entered the office of the District Attorney of Alemeda County and later was elected to that post. In 1938 he became State Attorney General and in 1942 Governor. He was popular and effective and was reelected twice.

In the fall of 1953 he brought an outstanding record in law enforcement to the Supreme Court. He recognized the truth of Winston Churchill's admonition that the test of a society is how it treats those accused of crime. For this reason his decision in Miranda v. Arizona is specially significant. Here he held that every arrested person must have the opportunity to see a lawyer before being questioned by the police and to be provided a lawyer if he is too poor to pay one. The decision recognized that where the individual is alone against the criminal processes of the state procedural safeguards must be established to prevent arbitrary action by government.

Brown v. Board of Education was his first landmark decision. It ended the doctrine of racial segregation and second class citizenship for millions of Americans. "Separate educational facilities are inherently unequal," Chief Justice Warren announced. This was the first great step in the long struggle for racial equality that is still continuing. Chief Justice Warren deserves credit not only for the decision but also for his leadership in uniting the Court behind his opinion. The moral force which this gave the decision did much to promote its acceptance.

Another decision in this mold is Reynolds v. Sims, the legislative reapportionment case which established the one man-one vote principle. For decades urban and suburban voters had been denied fair representation in state legislatures by rural lawmakers who refused to redraw district lines to reflect population shifts. "Legislators represent people, not trees or acres," Chief Justice Warren said and required that districts be equalized.

Chief Justice Warren's decisions were often denounced by opponents of his views, but with characteristic courage he never retreated from positions he believed were right and just. He was unimpressed by complex legal theories or voluminous citations of precedents. Often he would interrupt an attorney in the midst of his argument to ask, "Yes, but was it fair?" This was his overriding concern.

Throughout his 16 years on the Court, Chief Justice Warren has strongly supported the individual freedoms on which our democracy is based. Under his leadership the Court has presided over momentous social change accomplished through established legal processes. By giving the Constitution a modern interpretation, in the light of 20th century realities, he has kept it a living document relevant to our times.

Thirty-one years ago Earl Warren wrote,

"I believe that the American concept of civil rights should include not only an observance of our Constitutional Bill of Rights, but also the absence of arbitrary action by government in every field and the existence of a spirit of fair play on the part of public officials toward all that will prevent government from using ever-present opportunities to abuse power through harassment of the individual." This is the nub of Chief Justice Warren's legal philosophy. It shows both his deep feeling for individual liberty and his recognition of the dangers of arbitrary governmental action.

In each generation the Court is faced with the great problems confronting society. For this is the genius of our system—we translate economic, social and political controversies into legal cases to be resolved peaceably by the courts. In our era the powerful forces of social conformity and governmental authority has posed the main threat to the individual freedoms on which our country is based. Chief Justice Warren recognized this and has been a vigilant guardian of our liberties.

I am pleased, Mr. President, to join with my colleagues in paying tribute to Chief Justice Warren. He has compiled a distinguished record of which he and the nation may be justly proud. He has served his country well by making more real for every American the words inscribed on the facade of the Supreme Court building, "Equal Justice Under Law". At 78 he is retiring with the gratitude of the nation for a job well done.

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

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. 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. TYDINGS. Mr. President, I commend the distinguished junior Senator from California for leading the tributes to a great Chief Justice, Earl Warren. I think it is fitting that the Senator from California (Mr. CRANSTON), a westerner in the great Warren tradition of the Western progressive philosophy, should lead these tributes.

On June 23, 1969, Chief Justice Earl Warren retired from public life after 52 years of dedicated and courageous service to his State and Nation, as a county prosecutor, attorney general, and three times Governor of California, and Chief Justice of the United States. He retired while still vigorous and alert, leaving a legacy which we, as commentators today, may not be able to fully appreciate. The verdict of history, yet to be developed and written, remains for scholars of the future. Today we can only state our humble appreciation for his life of dedicated service.

More than a century ago, the French commentator, Alexis de Tocqueville, aptly noted that in America the courts play a significant social and political role. Resolution of the great public issues is always not left, as in every other nation, to the executive and legislative branches of government. Most significant social and political questions are translated into lawsuits and taken to the courts for decision.

Today, I think we find that it is still quite often true, when monumental public issues arise, they wend their way into the judicial process and ultimately reach the Supreme Court of the United States. During Earl Warren's tenure as Chief Justice of the United States, great issues of the day continued to wend their way into the Federal judicial system—and, indeed, to the Supreme Court for final decision. Under his leadership, the Court has been the branch of our Government most perceptive of and often the most responsive to the great needs of our rapidly changing society.

Chief Justice Earl Warren has led the Court with dignity and honor, integrity and commonsense, personal courage, and humane understanding. More vilified than any Chief Justice since the great John Marshall, save perhaps for Maryland's Roger Taney during the Civil War, in the Dred Scott decision era, Earl Warren has calmly maintained the judiciary's traditional place in our political system, despite storms from the left and the right.

Some time ago the Chief, in response to a question, listed the three most significant decisions of the Warren court era: first, Baker against Carr which opened the way for State legislative and congressional reapportionment—and, hopefully, will save the federal system and responsive State government as we once knew it; second, Brown against Board of Education which declared school segregation on the basis of color or race unconstitutional; and third, Gideon against Wainwright which held that all defendants in serious criminal cases were entitled to be defended by a lawyer at their trial, regardless of their affluence—regardless of whether they were rich or poor. Each of these decisions wrought a fundamental change in our society. Each righted a wrong and gave meaning to our basic constitutional precepts and the fundamental philosophy on which our Republic was built.

Let me dwell for a moment on the reapportionment decisions because they caused quite a controversy not only among State legislators themselves but even in this very Chamber. Prior to those decisions, the legislatures of almost every one of the several States had fallen out of touch with a majority of the people of their States, particularly those living in the suburbs who were frightfully and drastically underrepresented. Although the population had shifted to teeming urban centers and to sprawling suburban developments, the State legislatures had remained apportioned to meet long vanished population patterns. A large number of seats in almost every State legislature were allocated to rotten boroughs. None were quite as rotten as Old Sarum, the English borough with no inhabitants but two representatives in Parliament before the Reform Act of 1832, but most State apportionment schemes were indefensible. In 1962, before Baker against Carr was decided, a majority of the State senators in 11 States represented less than 20 percent of their States' population. In June 1964, when the cases following Baker were decided, there were 38 States—more than three-fourths—in which 40 percent or less of the population could elect a majority of representatives in at least one house, and 15 States in which 40 percent or less could select a majority in both houses.

These malapportioned legislatures were impervious to elective change. I know from experience that time after time in the Maryland Legislature we tried to enact fair apportionment legislation. We never could, because legislators, being human, will not legislate away their own seats, regardless of how unfair or how rotten the borough they might ostensibly represent. The voice of urban and suburban voters was ignored. Again, in my own State, the legislature had repeatedly failed to heed the electorate's call for a State constitutional convention because of a fear that such a convention would reapportion the legislature to meet the changing population patterns.

When the Court under Chief Justice Warren's leadership entered the "political thicket" in Baker against Carr, it came to the rescue of the unrepresented millions in the cities and suburbs. American federalism was given new life by the Warren Court's ruling in favor of one man, one vote. Reapportionment has resulted without political convulsion. The States have been given a new lease on life, and the opportunity to regain their lost place in our Federal Government. Our States now have at least the chance of responding, through properly apportioned legislatures, to meet the felt needs of their people.

Indeed, if our Federal system is to survive, the States must re-assert and reassume the responsibilities which they once had. One-man, one-vote, the Baker against Carr decision, opens the door and is the first important step in that direction.

Chief Justice Warren's role in the reapportionment and other landmark decisions was the visible part of his contribution. However, as Chief Justice, Earl Warren had duties beyond membership on the Supreme Court. As the Nation's chief judicial officer, the Chief Justice is the executive, the administrator, in charge of Federal courts. Unlike many of his predecessors, the Chief Justice accepted this major responsibility—this rather tedious, administrative task—and made significant contributions to the improvement of judicial administration.

Prior to Chief Justice Warren's tenure, the Judicial Conference of the United States was largely a moribund institution, serving primarily as a social gathering, twice a year, of the ranking circuit judges. During the Warren years, the Conference was made an effective policymaking body to improve the Federal judicial machinery. The Chief Justice twice reorganized the committee structure of the Conference to bring more Federal judges into the work of improving the judicial system. District judges were given a place in the Conference Chief Justice Warren created advisory committees on rules of practice and procedure as continuing bodies within the Conference and these bodies have functioned to develop modern procedures for

the trial of civil, criminal, and admiralty cases.

Chief Justice Warren has also been a leader in promoting the study of Federal court jurisdiction and inspired the American Law Institute's serious consideration of this topic.

To ease the transition to the Bench of newly appointed jurists, Chief Justice Warren conceived the idea of seminars for new judges and has been instrumental in improving and continuing these programs.

The Federal judicial system long needed a research and development capability to assure that the courts could make best use of modern management techniques in their administration of justice. Chief Justice Warren urged the creation of such a body. I was proud to have cosponsored and held hearings on the bill the Chief's idea promoted. These hearings resulted in the legislative creation of a Federal Judicial Center, which now has a staff of only five men working on a small budget, but which is studying court administration and management techniques to improve and speed the work of the Federal courts. This research and development arm of the Federal judiciary, in my judgment, will save millions of dollars of taxpayers' money by devising judicial and administrative techniques to promote far greater efficiency. The center, hopefully, will succeed in greatly reducing the frightful backlogs now facing some of the Federal courts across the Nation, and negate the need for unnecessary judgeships by devising techniques to assist the courts to dispense swift justice.

In short, I believe that one of Chief Justice Warren's prime contributions to the Federal judicial system has been his work and interest in improving judicial administration. Without his leadership, the Federal judicial system might never have begun to use modern techniques to fight the chronic problems of backlog and delay.

Perhaps no aspect of judicial administration is as important to the strength of the judiciary as is an effective code of judicial ethics. This spring, because of the impropriety of one justice, the Federal judiciary, and in particular the Supreme Court, faced a crisis as grave as any in its history. Acting courageously and with a real understanding of the need to maintain public confidence in the judiciary, Chief Justice Warren stimulated and provided leadership for the Judicial Conference of the United States to promulgate historic resolutions requiring Federal judges on the so-called "inferior" courts to disclose their financial interests and to restrict their nonjudicial activities. Subsequently, four members of the Supreme Court voluntarily adhered to the substance of the conference's resolutions. These actions are a credit to the dedication and force of character of Chief Justice Warren.

Earl Warren has been a great Chief Justice. He will be missed. He has indicated, however, that he will continue his efforts to improve judicial administration and formulate standards of judicial conduct. Fortunately, we can look forward to years of continued service in the public interest from Earl Warren.

Again, let me congratulate the distinguished Senator from California for taking the lead in this important tribute to the former Chief Justice.

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

Mr. CRANSTON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I join my distinguished colleagues in rendering tribute to a man who has served the Nation with dedication and devotion over the past 16 years.

The Warren Court, regardless of anyone's feeling about it, has earned a place in the history of this Nation, as has the former Chief Justice, who is still available for duty in a judicial capacity, and who has indicated that he is ready, willing, and able to continue to serve. The Nation has been served well by this man from California, who did so much not only on the Court but, before that, as Governor of a great State.

I am delighted to have the opportunity to join my colleagues on this particular occasion.

Mr. CRANSTON. Mr. President, I thank the distinguished majority leader and the distinguished Senator from Maryland for their generous remarks and their fine statements.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Mr. President, we are a nation unique in our emphasis on the rule of law and the role of legal institutions in our Government. No other nation values the rule of law more highly, and none has given its courts similar power to review the laws under which its people are governed.

The choice of Supreme Court Justices has, therefore, always been of special concern to all of us. Our Nation has been uncommonly blessed by the service of a number of exceptionally qualified, devoted Chief Justices. In our history, we have seen such men as Marshall and Holmes provide leadership from this august office. To this list must now be added the name of the distinguished jurist who recently retired from the Bench—Chief Justice Earl Warren.

I shall not attempt to summarize the many accomplishments of the Warren court in these few moments. I shall, rather, direct my attention to a few observations about the impact of the Supreme Court in our national life during Chief Justice Warren's tenure.

During Chief Justice Warren's years, the Supreme Court has taken a widened, revitalized view of the freedoms guaranteed in our Constitution. Progressive attitudes in education, civil rights, and civil liberties have highlighted the Court's decisions these past 15 years. Brown against the Board of Education is already possibly the most important decision of the 20th century.

Chief Justice Warren has understood quite properly that the law is the ultimate expression of the will of a democratic people and that it is not an abstract verity existing apart from society. He has comprehended the need for stronger guarantees for our freedoms in an era that has seen the constriction of economic and political choices. He has understood the need to make these guarantees truly available to the "least of these." Under his leadership, the decisions of the Court have reflected faithfully the universal yearning that man be given a full measure of freedom to protect his privacy and to develop his own capabilities without artificially repressive social restraints. Thus, I believe that his years as Chief Justice have marked an epochal period which we shall all come to increasingly admire as the passions of our age subside.

The decade and a half over which he has presided has been a controversial period, rent in large part by serious domestic conflict. That the Court has been a part of this controversy is also a means of his leadership and involvement in our day. No man devoted to serving the public remains unscathed by public controversy for any length of time. Some of the decisions of his Court will be modified as our attitudes and society change. However, subsequent alteration of judicial decisions will not obscure his role in American history as a great champion of social justice and constitutional freedoms.

However regrettable his retirement, I welcome this opportunity to join my colleagues in expressing my profound and sincere admiration for this great jurist, Chief Justice Earl Warren of California. He will be sorely missed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, when Earl Warren became Chief Justice of the United States on October 5, 1953, this Nation stood at a crossroads in its history. Almost a century after the Emancipation Proclamation we were still just beginning to make its promises a reality. Nearly a decade after the "last" great war to preserve liberty and democracy, our freedoms of speech and association, our notions of due process and procedural fairness, shivered in the chill of a new kind of trial by half-truth and innuendo, a neoinquisition complete with secret informers and lists of the damned. In our courts there had developed two systems of justice, one for the rich, with lawyers and bail and hearings and discovery and expert witnesses and knowing waivers, and one for the poor, where defendants and civil litigants got only the barest taste of the Bill of Rights.

Neither the legislative branch nor the executive branch of Government appeared equal to the task of leading us on a new course. Thus the major burden of preserving, protecting, and promoting our constitutional traditions, our individual liberties, and our Nation's sense of fairness was thrust upon the judiciary. And the judiciary's burden weighed most heavily at its apex—the Supreme Court.

Earl Warren has had only one vote on that Court for the past 16 years. But there can be no doubt that the tone and substance and the spirit of his character and leadership have permeated the Court's own work, and in turn the work of all the courts of the Nation. Once again the Constitution has become a living document, ours to use and depend on, not just to read and argue about. Our system of justice has taken giant strides toward becoming both a resource and a protection for all Americans, rich or poor, black or white, educated or ignorant. We have come to rely on our courts as a barrier against suppression of ideas, repression of freedoms, invasions of individual privacy and liberty, and dilution of the power of the ballot.

As Earl Warren led the Court, the Court led the Nation. The executive branch followed the judicial lead with a new sensitivity to human rights and social justice. The Congress followed suit, moving ahead to implement the rights the Court had articulated.

So, 16 years after Earl Warren became Chief Justice, our Nation is stronger, and freer, and truer to its ideals and principles because there was a "Warren court."

Perhaps there is no greater tribute to his work and his leadership than the fact that, from his first term to his last, his opinions on some of the most difficult and sensitive issues ever to face the Court received the concurrence of all, or all but one, of his colleagues. His ability to produce a unanimous or nearly unanimous outcome in these landmark cases certainly demonstrated the respect, esteem, and trust the members of our highest court felt for him. Especially in these most hotly contested cases, he showed the care and research he put into all his work, and the courage, clear-sightedness and fidelity to the Constitution that made his work so important.

Justice Warren began his career in public life as a district attorney in California half a century ago. He spent 20 years as a local prosecutor, 4 years as State attorney general, and 10 years as Governor. Now he leaves the Court with 16 more years of experience at the pinnacle of Government, and his opinions contain in them the accumulated substance of all those 50 years. He has left his mark on the Court and on the Nation. We will not easily forget him. We must not forget what he stands for. We cannot afford to forget the paths on which he has taken us.

Our new Chief Justice, Warren Earl Burger, is in the unenviable position of filling Earl Warren's shoes. Professionally, he is as prepared as a man can be. For 38 years, as lawyer and as judge, he has lived with the law, and learned its lessons. But no experience can adequately prepare a man for the awesome responsibility of membership of the Supreme Court. In the actions of that body lie not only the future of the law, but the future of the Nation. That is why all of us, without regard to party or philosophy, must join in wishing the new Chief Justice the most possible success. For his success is our success as individuals and as a Nation.

Mr. President, last Sunday at the Lincoln Memorial a ceremony was held to honor the retiring Chief Justice. Offering tributes were former Justice Arthur Goldberg. Dr. Kenneth Clark, and Eric Sevareid. Their statements were moving and important. At this time I ask unanimous consent to have printed in the RECORD the full program and the remarks of former Justice Arthur Goldberg and Eric Sevareid; I also ask unanimous consent that in the permanent RECORD there be included the remarks of Dr. Kenneth Clark.

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

The program and remarks of former Justice Goldberg and Eric Sevareid are printed herewith:

A NATIONAL TRIBUTE: EARL WARREN, CHIEF JUSTICE, SUPREME COURT OF THE UNITED STATES, 1953–69, THE LINCOLN MEMORIAL, JUNE 29, 1969

FROM THE PEOPLE, YES

(By Carl Sandburg)

The people know the salt of the sea and the strength of the winds lashing the corners of the earth.
The people take the earth as a tomb of rest and a cradle of hope.
Who else speaks for the Family of Man?
They are in tune and step with constellations of universal law.

The people is a polychrome, a spectrum and a prism held in a moving monolith, a console organ of changing themes, a clavilux of color poems wherein the sea offers fog and the fog moves off in rain an the labrador sunset shortens to a nocturne of clear stars serene over the shot spray of northern lights.

The steel mill sky is alive.
The fire breaks white and zigzag shot on a gun-metal gloaming.
Man is a long time coming.
Man will yet win.
Brother may yet line up with brother:

This old anvil laughs at many broken hammers.
There are men who can't be bought.
The fireborn are at home in fire.
The stars make no noise.
You can't hinder the wind from blowing.
Time is a greater teacher.
Who can live without hope?

In the darkness with a great bundle of grief the people march.
In the night, and overhead a shovel of stars for keeps, the people march:
"Where to? what next?"

PROGRAM

Invocation: Dean Francis Sayre.

Musical Selection: "Behold Man," the United States Army Chorus; Capt. Allen Crowell, Director.

Tribute: Arthur J. Goldberg.

Musical Selections: Carolyn Stanford.

Tribute: Dr. Kenneth B. Clark.

Musical Selections: "Wayfaring Stranger," Sp. Philip Booth; "The Last Words of David," the United States Army Chorus; Capt. Allen Crowell, Director.

Tribute: Eric Sevareid.

Finale: "Impossible Dream," "Battle Hymn of the Republic," Carolyn Stanford and the United States Army Chorus; Capt. Allen Crowell, Director.

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The Hon. Simon E. Sobeloff.
The Hon. Stewart L. Udall.

REMARKS BY HON. ARTHUR J. GOLDBERG

It is fitting and proper that we should gather to pay tribute to Earl Warren at the Lincoln Memorial. For Earl Warren, as Chief Justice of the United States, has also been a Great Emancipator. He has helped liberate the law from the bonds of judicial timidity, knowing, from the core of his being, that judicial timidity is far more likely to be the undoing of our beloved country than the faithful and courageous exercise of judicial responsibility. He steadfastly adhered to this philosophy from his very first to his very last day in office.

It will be said of Earl Warren in the perspective of time and history, as it was said of Chief Justice John Marshall, that he "never [Sought] to enlarge the judicial power beyond its proper bounds, nor [feared] to carry it to the fullest extent that duty requires."

Like Abraham Lincoln was during his lifetime, the Chief Justice has been subjected to unparalleled abuse in the conduct of his office. Although the Chief never yielded to nor even took notice of the unwarranted calumnies against him, surely, being a warm and very human person, these attacks must have made his heart ache. But he has taken this abuse philosophically and has never showed in demeanor or decision-making that they affected him in any way.

Again, like Lincoln, the Chief holds malice toward none and compassion for all.

And with the richness of the experience of more than fifty years of public service, Chief Justice Warren has always been content to rest on the verdict of history for the proper appraisal of his life and works. And well he might. Earl Warren understands full well, as did Benjamin Franklin, that public officials worth their salt "must not in the course of public life expect immediate approbation and immediate grateful acknowledgment of [their] services, [They must] persevere through abuse and injury. The internal satisfaction of a good conscience is always present, and time will do [them] justice in the minds of the people, even of those as present the most prejudiced against [them]."

The Chief Justice in a recent interview said that he regarded his Reapportionment decision to be the most important contribution he made during his 16 years on the Court. I am sure that all here recall that historic opinion. It is replete with Warrenisms and reflective of his pragmatic philosophy and profound understanding of our democratic institutions:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system."

I agree with the Chief Justice that the Reapportionment decision will be recorded in the annals as a holding of the greatest significance. But I disagree with the Chief, as I rarely did when I was on the Court, that this was his greatest contribution to the Court and to our country.

In my view, the Chief will be remembered not primarily for any particular decision but for his steadfast view that the least possible justification for the Court to avoid deciding a citizen's substantial claim of constitutional rights is that the Court may injure itself if it decided that case and vindicated those rights. For him, this was but another way of saying that the Court in its own interests should avoid unpopular decisions. The Chief Justice, throughout his tenure on the High Bench, conceived that whatever the justification in other ages or times for seeking out ways of avoiding decisions on the merits of a case, the tenor of the modern world demands that judges, like men in all walks of public and private life avoid escapism and frankly confront even the most controversial and troublesome justifiable problems.

Earl Warren regarded it to be the first duty of any judge worthy of his name and office to abjure popularity in decisionmaking. His creed is that expressed by Lord Mansfield long ago:

"I will not do that which my conscience tells me is wrong to gain the hazzahs of thousands, or the daily praise of all the papers which come from the press; I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels, all that falsehoods and malice can invent, or the credulity of a deluded populace can swallow . . . once for all let it be understood that no individuals of this kind will influence any man who at present sits here."

Our posterity will evaluate the great contribution to our country and to the free air of American life made by Earl Warren during his 16 years as Chief Justice of the United States.

I who sat with Earl Warren need not await the verdict of history to state my own appraisal.

Chief Justice Earl Warren did his part in the "sacred stir toward justice" and the "flame burned bright while the torch was in his keeping."

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I take it as an honor to have anything whatever to do with Earl Warren, even if it be only to rise in his presence and embarrass him with a few inadequate words.

We have been together at other times, other places. In the last year the time has usually been around seven p.m.; the place, the steambath or swimming pool of a Washington establishment dedicated to the sound body in which the sound mind ideally exists. It is an environment not conducive to discussion of the Thirteenth, Fourteenth or Fifteenth Amendments; and it is remarkably unlike the awesome chambers of the Supreme Court in its equalizing effect upon men.

Earl Warren is a large man in body as well as mind. There was one evening, as he plunged into the pool—headfirst, of course—when I had a brief struggle with my conscience and, thank heaven, lost. I was tempted to post a sign at the door, a direct, if re-worked plagiarism of a sign some reporters posted on the beach at Atlantic City, many years ago, when William Howard Taft was on holiday there. The sign said, "No Swimming. President Taft is using the Atlantic."

Earl Warren also fills a courtroom, a capital city and a considerable period of human thought and progress. In the journey toward justice among the American people, this recent era is likely to bear the name Warren as its title and description.

I have been a journalist, in and out of this capital city, for something around a quarter century. Of necessity and temperament I am a generalist; one therefore who knows less and less about more and more, instead of the other way around, as with the specialist. So I cannot usefully talk about Chief Justice Warren as a man of the law. But, like Dr. Clark, I can talk about him as a *man*. It is of great figures as *men* that the Washington journalist ultimately comes to think, as he ponders the effect of men upon history and history upon men, and the mysterious motivations that lie deep in the human psyche.

Long ago I came to my own rules of thumb about men who seek public office in this democracy. They are separable, into the boys and men. The boys, whatever their age, want office in order to *be* something; the men, in order to *do* something.

And for the greatest among them, what they wish to do does not necessarily concern a particular institution or process in our national life; it is not easily labeled or understood. I think they are trying to keep an appointment with themselves, one scheduled in their spirit at some imprecise point in their very early life.

It is not so directly related, I think, to the command of other men as to the command of themselves; somehow they achieve this, when others do not; then something happens. All those whom I think of as the men have seemed to me almost unconscious of self. They become, therefore, impregnably armored; and armed with a great strength—the freedom to act or to wait, to speak or stay silent. They can be themselves because they know themselves and their strength *is* as the strength of ten.

It is for these certain few that I have learned, as I have tried to understand my times, to reserve my highest esteem and affection, and, as a citizen, my deepest gratitude.

I am not alone in my profession when I assemble a pantheon of men of Washington this last generation and include in it—to speak only of men no longer in this place—a few names like General George Marshall, Henry Stimson, Robert Taft, Sam Rayburn of Texas, Harry Truman of Missouri.

I cite such names because by now the judgment of history has been made; and we know they possessed that certain quality that helps to hold a diverse people together and move a nation on.

It has nothing in particular to do with eloquence or intellectual brilliance, though those qualities, as with Abraham Lincoln, are sometimes present too. It is the quality that marked George Washington for the central position, and other men of eloquence at the near periphery. The Romans, who invented political governance, understood the quality called it "gravitas." It meant patience, stability, weight of judgment and breadth of shoulders. It means that strength of the few that makes life possible for the many. It means manhood. It has been the most precious privilege of my life to have known such men. I include among them my own father, who remained obscure; and Earl Warren who did not.

The appointment they scheduled early in life with themselves was at the place called duty. Not a popular meeting place, it sometimes seems today. Other places, like rights and privileges, seem far more crowded at the moment.

But it is an ancient place. And time after time it has been found in the environs of government, whether the government of personal rule, or the rule of the people as today and here. Four centuries ago, a writer described the place and its inhabitants; he said,

"Who would dig and delve from morn till evening? Who would travail and toil with the sweat of his brows? Yea, who would, for his king's pleasure, adventure and hazard his life—if wit had not so won men, that they thought nothing more needful in this world not anything whereunto they were more bounden, than here to live in their duty, and to train their whole life, according to their calling?"

The evening shadows cast by the House of Lincoln are long. For Earl Warren they should cool and comfort the evening of his life. He will have history's leave to dwell among them.

Mr. KENNEDY. Mr. President, I wish to express my appreciation to the distinguished Senator from California (Mr. CRANSTON) for bringing all of us together at this time to pay this tribute, to provide an opportunity for Members of this body who represent the various parts of our country and the different views and attitudes of its people to pay tribute to a great Chief Justice.

Mr. CRANSTON. Mr. President, I thank the Senator from Massachusetts for his excellent statement on the retirement of a truly great American jurist.

Mr. ANDERSON. Mr. President, Socrates has written:

> Whom, then, do I call educated? First, those who control circumstances instead of being mastered by them; those who meet all occasions manfully and act in accordance with intelligent thinking; those who are honorable in all dealings, who treat good-naturedly persons and things that are disagreeable; and furthermore, those who hold their pleasures under control and are not overcome by misfortune; finally, those who are not spoiled by success.

Chief Justice Warren, whom we honor today, epitomizes this ideal of an educated man. It has been my privilege to know Earl Warren for a number of years, and I have immensely enjoyed my close association with him in our work as regents of the Smithsonian Institution.

I have been especially impressed with the devotion he has shown to his family over the years in the face of great public demands on his time. He is to be commended for this example in demonstrating that the strength of our Nation still lies with family solidarity.

The stature of the Warren court has been enhanced by his persuasive leadership and his personal dignity.

Longfellow, in his poem "The Builders," wrote:

> All are architects of fate
> Working in these walls of Time:
>
> Build today, then, strong and sure,
> With a firm and ample base,
> And ascending and secure
> Shall tomorrow find its place.

As Chief Justice of the United States, Earl Warren has been a good architect. The "firm and ample base" he leaves will assure a tomorrow with greater opportunity and equality for all Americans.

Mr. CRANSTON. Mr. President, I yield to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. Mr. President, I thank the Senator from California for yielding this time to me, and join in the appreciation which the Senator from Massachusetts has expressed to the Senator from California for making possible this tribute by the Senate to Earl Warren.

I believe, Mr. President, that a nation can never really repay the debt that it owes to a single man for leadership he exercises during a period of history when national survival itself is endangered by

events. A nation can never repay such a debt, but I think history, perhaps, may be said to pay the interest of it, as it keeps alive the remembrance of the man through the record of what he has done for the Nation.

I believe that is the situation with respect to Earl Warren. I think we can never repay to Earl Warren what he has offered in terms of leadership to this country; but as we complete the record of his service, we at least acknowledge the obligation.

I hope that Chief Justice Warren, Mrs. Warren, and all their family will, from these proceedings and from the memorable proceedings at the Lincoln Memorial last Sunday evening, have some sense of what is in the hearts of many millions of Americans as they contemplate the service that Chief Justice Warren has rendered.

That service is signal because it has brought the Constitution to life, in many cases, as in the area of civil rights, in the very separate area of civil liberties, and in this very complex and difficult area of government.

Senators will recall, Mr. President, that the Government was stagnating because of the refusal of either House of Congress effectively to deal with the problem of representation in the House of Representatives. We who were empowered by the Constitution to be the prime movers in bringing about political reform were refusing, failing, or neglecting to seek that kind of reform. Nothing would have happened had it not been for the remarkable system of checks and balances which keeps this Government constantly moving on the fulcrum of the Constitution. When the political arm of the Government, the legislative arm, refused to act, the Warren Court did act. I personally think we imposed a burden on the Court we should not have imposed on them; but nonetheless, when the time came, they did not shirk from a duty which, by all the traditions and under all the precedents, must have been a very difficult and unpleasant duty to perform. I mention this matter only because it is to me the hallmark of the Warren Court that it did not shirk from the jobs which this generation and these times laid before them.

I am sure we all join in wishing for Chief Justice Warren and Mrs. Warren many pleasant, happy, rewarding, and constructive years of retirement. I suspect it will be qualified retirement, because a man of Earl Warren's temperament, nature, and background will constantly be at the service of his fellow citizens.

I thank the Senator from California for yielding.

Mr. CRANSTON. Mr. President, I thank the Senator, on behalf of the former Chief Justice and all his admirers, for that eloquent statement.

I yield to the Senator from Ohio (Mr. YOUNG).

Mr. YOUNG of Ohio. Mr. President, former Chief Justice of the United States Earl Warren is one of the truly great Americans of this historic period in our Republic.

It is a most happy recollection of mine that on a number of occasions I have met with Chief Justice Warren and his lovely wife. I consider it an honor that they regard my wife and me as their friends. I hold former Chief Justice Earl Warren and Mrs. Warren in the highest admiration.

Mr. President, after almost 16 years of magnificent service to the Nation and to this and future generations of Americans, Chief Justice of the United States Earl Warren has left the Supreme Court, which will be known to future generations as the Warren court. I am certain that former Chief Justice Earl Warren will be most highly regarded by future generations because of the landmark decisions of the Supreme Court of the United States during his tenure as Chief Justice.

There is no question whatever as to the place in history of Earl Warren. He will be ranked along with John Marshall as one of the two greatest Chief Justices in the entire history of our Republic. The Supreme Court of the United States under his leadership will 50, 75, or 100 years from today be regarded as one of our very greatest courts.

During Earl Warren's years as Chief Justice of the United States, the Supreme Court has had a greater impact on the future of our Nation than either the Congress or the Presidency. This Court has declared itself irrevocably on the side of equal justice for all—including the poor and the black—and whatever happens no one will be successful in turning back the clock. We shall never again return to the days when justice for some people will be in the backroom of the police station at the end of a nightstick.

I know what I am talking about when I make that statement, because I served my State first as an assistant prosecuting attorney and then as chief criminal prosecuting attorney of Cuyahoga County, Ohio, for some 3 years.

The Warren Court gave to the individual, no matter what his color, income, or creed, the rights assured to him in the Constitution of the United States and in the Bill of Rights, those first 10 amendments adopted pursuant to the demand of those patriots who won the war for independence.

By sweeping back the encroaching power of regional prejudice, police tyranny, and wealth, Warren's leadership scraped many of the barnacles from the Constitution and made it truly a dynamic document to fit the needs of a growing nation in this fast-moving space age of change and challenge. That is the heritage that former Chief Justice of the United States Earl Warren has left the Nation.

Under Chief Justice Warren, the Court moved into fields long neglected by earlier Courts, fields where the ordinary political processes had ignored basic principles of the U.S. Constitution. It set new standards for fairness. Many of the endeavors of the Warren court were controversial and aroused the enmity and hatred of those opposed to change and unwilling to see corrected the wrongs of the past.

History will rate him as truly one of the greatest Chief Justices of the United States both because of his enlarging of democracy and because of the nature of the jackals that yapped at his robe.

"Yes, but was it fair?" former Chief Justice Warren often asked lawyers arguing a point before the Supreme Court of the United States. During his almost 16 years as Chief Justice, he brought to the Court a wholesome whiff of concern for substantial justice and not just legal technicalities and precedents. Americans will look back on those years as an astonishing achievement, when the "nine old men" turned from upholding the status quo and transformed the Nation's legal system in accord with ideals the Nation had long proclaimed but often failed to practice.

Mr. CRANSTON. Mr. President, I thank the Senator from Ohio for his fine statement.

Mr. CASE. Mr. President, as he was leaving office as Chief Justice of the United States recently, Earl Warren said the most important measure of a man in public office is whether he has given his best thought and consideration to the great problems confronting him.

I agree with that statement.

And there can be no doubt that Earl Warren filled that measure to overflowing. He exerted strength, based on sincere convictions, for whatever he deemed to be in the best interest of this country and humanity as a whole.

Earl Warren is a man uniquely matched to the times and circumstances in which he served.

He is a man who always looked to the future—with humanity, fairness, integrity, and dignity—in times when the future is encroaching on the present at an ever-increasing rate.

As Chief Justice, he demonstrated that he was a man of strong conscience, serving in a post in which conscience replaces constituency.

Because he sought to deal with the future, Earl Warren could not avoid stirring controversy. The future always is much more debatable than the past, or even the present.

But future generations will remember him not because he stirred controversy, but because he constantly had future generations foremost in his mind.

Mr. PASTORE. Mr. President, I join in the universal accolade to Chief Justice Earl Warren for a job well done.

When, in 1953, it became my senatorial privilege to confirm President Eisenhower's nomination of the 14th Chief Justice of the Supreme Court of the United States, I had a special appreciation for the elevation of Earl Warren.

It was partly because I, too, had served an apprenticeship as a prosecuting attorney and as Governor of my native State.

As a fellow Governor in the problem-packed postwar years I could range from my Rhode Island on the Atlantic—across the continent of America the beautiful—to Earl Warren's California of exploding population and equally exploding problems. I could measure his widespread support at the polls and realize that the respect and esteem in which he was held had no partisan dimensions.

Perhaps, in 1953, I had a sense of sympathy for a man whose dream of his country's highest office had been lost. It was lost in the wealth of personalities that paraded the political stage of 1952. Memories are still stirred by such

names as Eisenhower, Stevenson, and Taft.

So Earl Warren failed in his ambition to be President. But, as Chief Justice he served his country longer than any President—and few Presidents have matched his influence on the page of history.

Earl Warren was a humble man—sworn in so hurriedly in 1953 that he had to borrow a robe for the ceremony.

He was a modest man—and used a Lincoln phrase to say of himself: "I am a very slow walker—but I never walk backward."

Earl Warren's character has been expressed in simple terms as—big, friendly, bold, unbookish, libertarian, equalitarian, warm, strong. And the sum of these adjectives is: He is human.

I could try to condense the tremendous judgments of 16 years in a single sentence and say: "The Warren Court has confirmed the personal liberties of the people."

Or I could say he has taken the marbled slogan of the Supreme Court Building—"Equal Justice Under the Law"—and made it indelible in the Court's decisions.

I would leave those judgments to others.

Rather, I would borrow some words from the very lips of Chief Justice Warren himself.

He is speaking, in 1965, at "the Washington World Conference on World Peace Through Law," and I choose his closing paragraphs—they might well be inscribed in our hearts.

Chief Justice Warren said:

> The only provable harness for the peaceful containment of power—yet developed by the mind of man—is the rule of law.
>
> I for one believe we can create just as mightily in the law field as our scientific brethren did in the field of science.
>
> We can—because we must—create sufficient law to prevent use of the awesome power of the atom to destroy man and civilization.
>
> It is now time for us to get on with our task. Certain it is that no man or woman can engage in a greater enterprise. For it is no less than a joint endeavor to save humankind from extinction—by creating a world order wherein all men, women and children everywhere can live in peace and decency.

That is the wisdom of Justice Warren. The decision is ours.

Mr. MONDALE. Mr. President, when Earl Warren was appointed Chief Justice of the United States in 1953, no one dreamed, as James Clayton has since observed:

> That during the next 16 years the Court would compel a massive change in the politics of the Nation, encourage and assist an equally massive change in its social policies, initiate an almost complete . . . overhaul of the criminal law, open the society to the flow of ideas as it had never been opened before and challenge Congress over and over again without the slightest quiver at threats of reprisal.

It is no wonder that the Supreme Court remained a center of controversy throughout Earl Warren's tenure as Chief Justice.

The fact that the Court has been controversial is not unique, for controversy was inevitable once John Marshall established that it was a branch of the Federal Government coequal with the executive and legislative branches. What was unique was the intensity of the criticism generated by the major decisions of the Warren Court—decisions such as Brown against Board of Education, Baker against Carr, and Gideon against Wainwright. It is particularly ironic that a man as warm, gentle, and soft spoken as Earl Warren became a lightning rod for such bitter and intense attacks, aimed not only at the Court but also at him personally.

That these attacks never caused the Chief Justice to abandon his leadership for reform is due in large part to the great strength of his character.

The more emotional attacks on the Warren Court and on the Chief Justice himself stemmed from the fact that both he and the Court persisted in exposing the hypocrisies of our society and of our political system. We founded our Nation on the principle that all men are created equal, and yet we told some Americans that they could not attend schools, eat in restaurants, or sit in waiting rooms which were for the use of white Americans. We proclaimed to all the world that our political system was a model of representative democracy, and yet we allowed legislatures to function at every level of government which were so malapportioned that they did not allow all citizens to participate on equal terms. And while boasting that our legal system was founded on the principle of "equal justice under law," we refused to insure that every person accused of a serious crime would be entitled to a lawyer, regardless of his financial status.

The Warren Court faced each of these issues, as well as many others, and attempted to bring our practices into line with our principles. In so doing, it aroused the ire of those who opposed these principles, as well as those who did not like being constantly reminded that America had failed to fulfill many of its basic promises.

A more reasoned criticism of the Warren Court is that it followed too closely the philosophy of "judicial activism." It has been argued that the Court often strayed into the area of executive and legislative decisionmaking.

But the Court really had no choice. As Anthony Lewis pointed out:

> The great issues that came before the Warren Court called, in one sense, for a judicial choice between action and inaction—between exercising power for reform and allowing things to go on as they were.

It is not surprising that the Court, under the leadership of Earl Warren, chose to follow the road of reform. For had it taken the other course, the Court would have still been making momentous decisions—it would have decided to continue legalized discrimination, to allow legislatures to remain malapportioned, and to make the right to counsel dependent upon one's ability to afford a lawyer.

This was not Earl Warren's way. A man of quiet passion for social and political change, he recognized that the Supreme Court was truly a "court of last resort" for those whose grievances were either caused or ignored by other institutions. There is little doubt in my mind that history will grant the former Chief Justice's wish and remember the Warren court as "the court of the people."

Mr. HARTKE. Mr. President, the judiciary has no influence over either the sword or the purse. It can exert no direct impact on either the strength or the wealth of this country. It has, as Alexander Hamilton said in The Federalist:

> Neither force nor will, but merely judgment . . .

However, equipped only with the power of judgment, the Supreme Court has so utilized its moral and intellectual resources as to earn respect and authority equal to that of the Executive and Congress.

Although the effective power of the Court has ebbed and flowed since the titanic era of John Marshall, it has always remained considerable. However, with the accession of Chief Justice Earl Warren to the High Court Bench, the influence of the Court reached heights attained not even in the golden age of Marshall.

Since 1954, and the landmark decision of Brown against the Board of Education, the Supreme Court has handed down dozens of decisions which have had important national significance. These decisions carried a common message and that is that the Constitution of the United States applies to all men. Be they black, be they poor, be they young, be they weak, or be they accused, they are all entitled to those rights which are so specifically spelled out in the Bill of Rights and elsewhere in the Constitution. Thus, in its application of the Constitution, the Warren court functioned as the Nation's principal forum for consideration of the operating conditions of a free society.

Undeterred by some criticism, Chief Justice Warren persisted in his determination to guarantee the full rights of the Constitution to every man.

The debt which this country owes to Earl Warren and his like-minded colleagues on the bench is truly incalculable. Under his gentle guidance the Court has acted as this country's conscience at a time when it seems too many of us have misplaced ours.

To some the Warren Court has been an irritant; to some it has been annoying; to some it has been disturbing. But it has also been right much more often than it has been wrong in its interpretation of what the Constitution guarantees.

The judgment of future historians and political scientists will doubtless be that the Warren court was primarily responsible for awakening us to the terrible injustices which had been allowed to persist in a country which calls itself the land of the free. These same scholars should note, too, that Chief Justice Earl Warren did more than any other man of his era to guarantee that such injustices would not be allowed to persist.

Earl Warren, like no other man in this country, accepted the simple truth that none of us are really free as long as some of our fellows are systematically deprived of their human rights. He then acted to guarantee that all men in this country would enjoy the full rights of citizenship.

For that service, we shall all remain in

the eternal debt of Mr. Chief Justice Warren.

Mr. JAVITS. Mr. President, we celebrate today a milestone in the political, judicial, and moral history of our country. Great leaders in government and society often influence history beyond their own times, but rarely has one man had such an immediate, yet permanent impact on a nation as has Chief Justice Earl Warren.

As California's Attorney General, its Governor, and as a vice-presidential candidate, Earl Warren played an important role in the development of his home State and of the Republican Party. But as Chief Justice of the United States he reached unprecedented heights as one of our most progressive thinkers and greatest jurists.

Earl Warren placed his stamp upon the 16 years of judicial activity known as the Warren court. Under his guidance more far-reaching yet necessary changes in our legal framework reached fruition than in any other period, and the Warren court as a result, brought new meaning to the fundamental purpose of our Nation—freedom for the individual.

In two distinct areas of our lives Chief Justice Warren led the Supreme Court to a reaffirmation of the underlying premises of our constitutional democracy: protection of the individual's rights in organized society against imposition, discrimination and segregation, and effectiveness in the exercise of his rights in a political system.

Only a year after he was appointed our 14th Chief Justice by President Eisenhower in 1953, Chief Justice Warren led the Court in declaring once and for all that "separate but equal" treatment of different races is both untenable and unconstitutional. The case, Brown against the Board of Education, has been a primary source of our greatest achievements in equal opportunity in education, places of public accommodation, housing and jobs ever since, and has become as important a statement of moral principle as Lincoln's Emancipation Proclamation and the 14th amendment.

In criminal procedure, Chief Justice Warren brought the Court face to face with long overlooked injustices, and breathed new meaning into the fifth amendment privilege against self-incrimination. As he put it in the landmark Miranda case,

> The privilege has come rightfully to be recognized in part as an individual's substantive right. That right is the hallmark of our democracy.

Political rights, like social and criminal ones, were restructured and strengthened by the Warren court. As Archibald Cox stated:

> The Warren Court, more than any of its predecessors, has been influenced by an intensely conscious sense of judicial responsibility for the open and democratic operation of the political system.

In Reynolds against Sims, Chief Justice Warren brought political democracy—the one-man one-vote principle—to every level of government, from Congress to the town hall, and laid a strengthened foundation for renewed confidence in representative democracy.

It is interesting to note that Earl Warren said that the major decision made during his 16 years on the Court was the one-man, one-vote decision. Notwithstanding the fact that the Court had also broken historic ground in dealing with segregation and the first 10 amendments to the Constitution, he considered the one-man, one-vote principle to be the greatest decision of all. I think this is typical of the man because it demonstrates his deep belief in democracy and freedom.

I think that the decisions on school desegregation, those dealing with the protection of the rights of accused persons, especially in protecting the right to counsel, also represented historic firsts.

As a lawyer, my respect for Chief Justice Warren finds another touchstone in the 1963 Gideon against Wainwright decision—which the Chief Justice assigned to Justice Black for a unanimous Court—granting all defendants the right to counsel in any serious criminal case. That decision, more than any other, I think, in the procedural area, gave new meaning to all other constitutional rights—rights which have everyday meaning to our fundamental notions of justice but which can never be enforced or made workable without the assistance of a lawyer at every stage of the judicial process. As Justice Warren commented many years before Gideon:

> Imagine a state in this day and age not giving a fellow a lawyer.

And he added later:

> Every lawyer appreciates the fact that no man accused of a serious offense is capable of representing himself.

Doubtless Chief Justice Warren also stirred great and continuing controversy in the aftermath of many of these decisions. But a courageous man, mindful of what is just, moral, and legally right, necessarily places justice before popularity.

It has been a great pleasure and a great honor to have had a friend in Earl Warren throughout my own career in Government. Although he will no longer direct the course of the Supreme Court, we can have confidence that his wise and thoughful commentary on American life will continue to be a blessing to us all.

I believe that Chief Justice Earl Warren will rank with John Marshall and other great Chief Justices of the United States and that the verdict of history will confirm this verdict.

Mr. NELSON. Mr. President, when Earl Warren became Chief Justice of the Supreme Court in the autumn of 1953, he might have chosen to serve his country and the Court in a strictly traditional manner. He preferred to place the full strength of his position, his ideals, and his leadership behind an active effort to protect and broaden individual rights.

Decision after decision, chipped away at indifference to legal and civil rights of the individual. No longer were "separate but equal" public education facilities sufficient. No longer was malapportionment in the State legislatures acceptable.

Decision after decision, buttressed the Bill of Rights. The rights of an arrested person were delineated, the right to counsel declared, protection against unreasonable search and seizure upheld, and the guarantee of free speech reaffirmed.

Earl Warren pledged to "administer justice without respect to persons and do equal right to the poor and to the rich." He fulfilled his pledge with honor; his decisions reflected his conviction that each man has dignity and worth. The country is the richer for his service.

Mr. HART. Mr. President, only the brave or foolish predict the final judgment of history.

And only the blindly partisan attempt to place broad labels on public servants such as Chief Justice Earl Warren.

In paying tribute to the former Chief Justice today, we find ourselves speaking at a time when events are still being shaped by Supreme Court decisions made while he was Chief Justice.

If indeed the final judgment of those decisions must be left to history, we can still say much about this man who stirred such conflicting passions during his years on the Nation's highest court.

As Chief Justice, Mr. Warren understood that the courts are the ultimate and last defense of liberty for the individual, great or humble.

Compassion for the powerless, devotion to fairness in a society which preaches but does not always practice equality were his guiding principles.

If he offended those who do not believe or understand the rhetoric of our Nation, he did so to uphold the principles of the Constitution.

If one believes that people ordained and established the Constitution, one must believe that people should have equal voices in electing their public officials.

If one believes that people formed a more perfect union to promote the general welfare, one must believe that the general welfare extends to all people, regardless of race, color, or creed.

If one believes that people ordained our Constitution to establish justice, one believes that justice must be for all men, rich and poor, black and white.

If one believes in the Bill of Rights, one understands that what some label "technicalities" are the keys to the delivery of the promises made in those constitutional amendments.

If one believes that the proper concern of our Constitution and Government is people, then one must believe that our laws, regulations, and practices, apply equally to all and must not diminish the blessings of liberty the writers of our Constitution sought to secure.

We have not yet achieved the promise of the Constitution, but we have made progress.

Whether or not history sustains the importance of what today we call the landmark decisions of the Warren years, history will not deny the commitment of Mr. Chief Justice Warren to both the promise of the Constitution and the patience and effort needed to achieve that promise.

I can think of no higher praise that a contemporary can say of a man who will be judged by history.

To say more is to predict; to say less is

to deny the leadership and understanding of Chief Justice Warren.

Mr. PERCY. Mr. President, the retiring Chief Justice of the United States, Earl Warren, was paid the unprecedented honor of being lauded from the bar of the Supreme Court by President Richard Nixon on the occasion of his retirement.

While as a presidential candidate, Mr. Nixon observed that he differed on several key points regarding the Court's philosophy, he nevertheless with excellent grace paid Chief Justice Warren a high tribute upon his retirement following 52 years of public service, first in his native California and, for the last 16 years, on the bench of the Supreme Court.

President Nixon referred to Chief Justice Warren at the time as "one who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all encompassing, the dedication to his family—his personal family, the great American family, the family of man."

President Nixon said:

> The Nation is grateful for the example of humanity which the Chief Justice has given to us and to the world.

Mr. President, I would like to echo those words today as we gather in the Senate to praise Earl Warren and to reflect upon his judicial career.

The Warren Court has now passed into history. In the 16 years that the genial and gracious man from whom the Court took its name presided over its deliberations, it has changed much of the legal face of the United States.

Two months after Earl Warren took the oath of office as Chief Justice—following a distinguished career in law enforcement and as Governor of California—he announced on behalf of the Court the unanimous decision that reversed the traditional "separate but equal" doctrine of school segregation and declared that black and white children must attend the same schools. From the beginning in Brown against Board of Education, the Warren Court went on to reshape the legal landscape of America.

As many of my distinguished colleagues have noted here today, our regard for the importance of the work of the Warren Court must rest largely on five central areas: the school desegregation cases, beginning with Brown, the criminal procedure cases, the reapportionment cases, the church-state cases, and the censorship cases.

In studying the scope of these decisions, some now believe that President Eisenhower's appointment of Chief Justice Warren turned out to be his most important act in the domestic area.

As we know, the Court soon became the target of increasingly bitter controversy. This was really nothing new; it had happened before with previous activist courts. There came a time when "Impeach Earl Warren" placards appeared with regularity along our highways, placed there by the supporters of the far right.

It would be wrong to say that the Court's popularity problems were restricted to the attitude of the rightwing fringe. As Prof. William M. Beaney, of Princeton, has written:

> It seems obvious that when the Court chose to hand down decisions favoring racial minorities, political dissenters, criminal defendants and protagonists of unpopular causes, it could hardly expect cheers from the majority of the people.

Mr. President, this is clearly not the time to attempt to write history's verdict upon the Warren Court.

We can observe that we do not have the kind of integration in the school systems of our country that the Court envisioned when Brown was decided in 1954.

We should note that as a matter of practice, if not of law, school prayers and Bible-reading are still common in many jurisdictions where a direct judicial mandate has not been imposed.

The reapportionment of State legislatures has brought new political power to the ever growing suburbs. But this has not solved any of the old political problems and has, in fact, served to create quite a few new ones. Suburban constituencies have proved reluctant through their representatives to pay for the costs of the inner cities and this has led to a "tax crisis" in many States that cannot be solved without plentiful Federal aid or revenue sharing.

Yet, Mr. President, I believe we must view the Court and its decisions from a broader perspective.

Many believe that the Warren Court must be given much of the credit, or blame, for helping to spark the black revolution in America. Despite our continuing racial problems, I for one am confident that, in the end, we as a people will embrace the objective of the Court to insure social justice in America. The path set by the school desegregation and the sit-in cases is one that enforces the constitutional concept that we are all equal before the law. The path set by the criminal procedure cases enforces the constitutional concept that there must be one standard of law, not two, for the rich and the poor, for the legally sophisticated and for the indigent.

Objections to the reapportionment decisions may rest on differing concepts of democracy or perhaps on the belief that the Court lacked wisdom by intervening so directly in a political area. Indeed, that view has been expressed with conviction by many distinguished Members of this body, including the minority leader, my senior colleague from Illinois (Mr. DIRKSEN).

Yet, I think men of good will would agree that the reapportionment cases have done much to curb the remnants of the "rotten borough" system in our State legislatures and, in doing so, have served to revitalize the democratic process. Perhaps it shall ultimately be judged to have actually strengthened the federal system by making the State and local community more responsive to human need, thus lessening dependence on the Federal Government.

Finally, in the church-state and the censorship cases, the Court's intentions clearly pointed in the direction of expanded individual liberties and a curb on the powers of the State.

Over the years, through the cumulative effect of these decisions, the Court has succeeded in reframing our concept of the rule of law and clearly expanded legal protection for the individual at a time when big government and mass movements make the importance of the individual in society a central issue. Precisely because Chief Justice Warren was concerned with people, because of his underlying compassion for his fellow men, he saw the role of the Court in interpreting the Constitution as one of upholding the rights of the individual and many of his decisions clearly bear that intent.

History, nevertheless, has a way of measuring greatness in terms of success rather than in terms of honorable intentions. Thus, Chief Justice John Marshall is hailed in the history texts because under his reign the Court contributed to the centralization of Federal power at a time when Jeffersonian democracy was pulling in the opposite direction—away from a strong central executive.

On the other hand, Roger Taney, despite some noteworthy decisions, has been derided in some history texts because he defended the institution of slavery in the Dred Scott case at a time when the forces of history proved to be crushing slavery and upholding the cause of the Union Army.

Certainly, Mr. President, no one can detract from Chief Justice Warren's personal qualities: his warmth, his restraint, his intelligence and, above all, his great compassion.

As President Nixon has noted:

> Over the last 16 years there have been great debates in this country, there have been some disagreements even among the Court. But standing above these debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity.

As to the greater question, let us also not forget that the Warren Court took its name from a Justice who had only one vote among nine. Let us not forget that the Court's roster over 16 years included 17 Justices.

If indeed the Court has chosen the right path during the years when Earl Warren presided—and I, for one, believe that, on balance, it has—then history may yet remember Earl Warren and his era in the words of Oliver Wendell Holmes:

> Great places make great men. The current of large affairs turns even common mold to diamond and traditions of ancient honor impart something of their dignity to those who inherit them.

Mr. YARBOROUGH. Mr. President, the short history of this Nation has known 14 Chief Justices of the United States. There can be little doubt that the name of our previous Chief Justice, Earl Warren, will be listed by future historians, lawyers, and students alike as one who led the Court into more revolutionary decisions than any Chief Justice since John Marshall.

Earl Warren is known to be a calm and a good-humored man, and the decent sort, whose hard work, tolerance, and compassion serve as a model of a respectable and responsible life. But we demand

even more than that of the man who is Chief Justice of our Nation, and Earl Warren has measured up to our demands.

During the 15 years he has been Chief Justice, he has gained the respect and support of the other Justices, and of millions of our fellow Americans. The challenges of interpreting the Constitution of the United States are immense and important, and Earl Warren accepted those challenges with devotion and pride. He never dodged the hard questions by easing out on some narrow point. He is no escapist.

In a speech to the Jewish Theological Seminary of America in 1962, Chief Justice Warren said:

> In civilized life, law floats in a sea of ethics. Each is indispensible to civilization. Without law, we should be at the mercy of the least scrupulous; without ethics, law could not exist. Without ethical conscience in most people, lawlessness would be rampant. Yet without law, civilization could not exist, for there are always people who in the conflict of human interest, ignore their responsibility to their fellow man.

These are the things that make Earl Warren one of the most influential of all Chief Justices of the United States: His ethical code and his concern for his fellow man have marked his career.

During Chief Justice Warren's 15 years on the Court, it has ruled on as many questions of crucial significance to the people of this Nation, and to our future, as any other Court in a comparable time. The decisions were all humanitarian decisions.

In looking back at the Supreme Court under Earl Warren, several cases come immediately to mind: In Gideon against Wainwright, the Warren Court broadened the interpretation of the Constitution which reads "in all criminal prosecutions" the accused shall have "the assistance of counsel for his defense," to include trials in State courts as well as Federal courts, the former interpretation having been that it applied only in cases in which defendants were tried in a Federal court and charged with a felony.

In Baker against Carr, the Warren Court ruled against unequal distribution of population in legislative districts, and the principle of "one man, one vote" was written into American constitutional law. In the famous case of the Warren Court, Brown against the Board of Education, the Supreme Court ruled that separate educational facilities for the black and white races was inherently unequal. In this decision, Chief Justice Warren had the unanimous support of the other Justices.

He is a man with a broad view of history and the future, and one who viewed the Constitution as a living document whose literal interpretation might vary with the lives of the people in whose generation it was being interpreted. He was a very broad constructionist, who extended the boundaries of the Court's constitutional interpretational powers into new areas of social justice and politics, as Congress in the past threescore years has widely extended its legislative powers into unplowed legislative fields.

No one doubts Earl Warren was one of our most influential Chief Justices. His decisions, and those of the Court over which he presided, have changed the social fabric of America, and the political structure of its Government.

Courts often delay change; Warren advanced it.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION WITH RESPECT TO ACCOUNTABILITY AND RESPONSIBILITY FOR U.S. PROPERTY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PROUTY, from the Committee on Commerce:

James A. Washington, Jr., of the District of Columbia, to be General Counsel of the Department of Transportation.

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission.

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I also report favorably sundry nominations in the Public Health Service. 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 PRESIDING OFFICER. Without objection, it is so ordered.

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

Hilary H. Connor, and sundry other candidates, for personnel action in the regular corps of the Public Health Service.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. HOLLINGS:

S. 2519. A bill for the relief of Chan Man Chun; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 2520. A bill to amend the Higher Education Act of 1965 to provide a means of preventing civil disturbances from disrupting federally assisted programs and activities at institutions of higher education; to the Committee on Labor and Public Welfare, by unanimous consent.

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

By Mr. KENNEDY:

S. 2521. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JAVITS:

S. 2522. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

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

By Mr. YARBOROUGH (for himself, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 2523. A bill to amend, extend, and improve certain public health laws relating to mental health, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. DIRKSEN (for himself, Mr. MATHIAS, Mr. PERCY, Mr. MILLER, Mr. SCOTT, Mr. HANSEN, Mr. FANNIN, Mr. COTTON, Mr. WILLIAMS of Delaware, Mr. GRIFFIN, Mr. RIBICOFF, Mr. SAXBE, Mr. DOMINICK, Mr. MURPHY, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. BENNETT, and Mr. JORDAN of Idaho):

S. 2524. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. GOODELL:

S. 2525. A bill for the relief of Antonio Evangilista; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2526. A bill for the relief of Angelo DiStefano; to the Committee on the Judiciary.

By Mr. GORE:

S. 2527. A bill to repeal the authority of the President to proclaim modifications of the Tariff Schedules of the United States under the Automotive Products Trade Act of 1965 and to terminate modifications of such schedules heretofore proclaimed under authority of such act; to the Committee on Finance.

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

By Mr. HRUSKA:

S.J. Res. 130. A joint resolution authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence; to the Committee on the Judiciary.

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

S. 2520—INTRODUCTION OF A BILL RELATING TO CAMPUS DISORDERS

Mr. EAGLETON. Mr. President, I presume it is commonplace that when a Senator introduces a bill he is completely satisfied that the bill he proposes will in every respect accomplish the purposes he has in mind. In short, he believes that his is a good bill.

Today, Mr. President, I am introducing a bill which I believe may have some merit, but about which I readily confess some serious misgivings. I am introducing a bill which would permit college and university officials to seek injunctive relief in Federal court whenever force or the

threat of force is used to disrupt the functioning of various Federal educational programs on a college or university campus.

My motive in introducing this bill at this time is to generate some discussion and analysis in an unemotional, nonpressure-cooker atmosphere, of what, if anything, the Federal Government can and should do in regard to campus disorders.

If we wait until this fall or next spring to consider this problem—if we wait until numerous campuses are in turmoil—we may not have the benefit of dispassionate analysis. It would be tragic indeed if this Congress, under the pressures and passions of the moment, should pass imprudent or represssive legislation which bypassed the authority of the States or impinged unnecessarily on the traditional authority or our institutions of higher learning.

CAMPUS DISORDERS IN CONTEXT

As the Nation breathes a sigh of relief to mark the close of an academic year marked by disorders and violence—a sigh once reserved for the passing of summer from our tormented and strife-torn cities—it is well to reflect on the events of the last year.

Today's students are acutely aware of a society which promises great promises and dreams great dreams—and invites great disappointments by leaving so much unfulfilled. The slogans of the recent past—New Deal, New Frontier, Great Society—all seem pretty shallow in a nation riven by the poverty gap, the culture gap, the racial gap and all the other separations that divide us.

Today's students find it difficult to comprehend how the President and Congress can devote so much time and debate to cutting millions of dollars from a Job Corps budget or an educational program and at the same time shrug off with seeming indifference a $2 billion cost overrun on a new airplane.

Today's students find themselves being educated in an environment—under a methodology—and for purposes which many college administrators themselves find inadequate. HEW Secretary Finch pointed out recently that:

> We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based on legitimate grievances.

There are fundamental conditions on the campus which must be attended.

All of us—Government, the college administrations, the public, the students—have a rightful part to play in the process of curing the conditions and restoring a genuine educational purpose.

Government has the responsibility to negotiate and end a war, to revise the draft, to be about the business of redressing the inequities that pervade American life. Insofar as college disturbances are concerned, Government should be wary of being taunted into a momentary, emotional, vindictive response which, in the words of Attorney General Mitchell, "would certainly play right into the hands of the militants."

University administrators have the obligation to take an in-depth look at their own system and methodology in a world which has changed so enormously in the past two decades; the educational process cannot remain transfixed and immutable.

But while the root causes of the eruptions are being treated, as they must be, our institutions of higher learning must be preserved. Our institutions of higher education must be permitted to function. The faculty, administration, and the students must be permitted to pursue their endeavors with freedom from fear, and freedom from interference.

As the National Commission on the Causes and Prevention of Violence suggests:

> Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

Our colleges cannot survive in this atmosphere—an atmosphere that has been growing ever more prevalent—an atmosphere the summer can suspend but not eradicate.

We are faced with a simple fact. In order to survive our colleges must maintain order.

Our institutions of higher education are uniquely vulnerable in this age of violence, for they depend not on the force of arms for their authority but rather on the power of reason. A community so constituted cannot stand when the commitment to rational discourse is not shared by all.

Such a commitment is no longer accepted by all members of the campus community. Violence and disruption result—violence and disruption which universities are ill-equipped to deal with. As the Violence Commission points out:

> The university is ill-equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty, and administration that effective discipline is difficult to impose, and is seldom imposed quickly enough to meet an emergency.

With the tide of resentment rising against these continued acts of disruption and violence, the inclination of Congress is toward action. Such action must be responsible rather than repressive, aimed at helping the colleges and universities to help themselves rather than establishing restrictive Federal controls.

ANALYSIS OF THE BILL

The legislation which I introduce would allow the institution of higher education involved to go to the district courts of the United States and ask civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate orders.

As the report of the National Commission on the Causes and Prevention of Violence points out:

> State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction.

This would provide colleges with a uniform, nationwide remedy for such acts.

Certainly, the Federal Government has an important stake in our institutions of higher education. The Federal Government assured the right to study, in safe, modern facilities through assistance under the Higher Education Facilities Act of 1963. The Federal Government assured the right of students to live in decent and safe housing in dormitories constructed under title IV of the Housing Act of 1950. The Federal Government assured the rights of many capable but financially disadvantaged students to pursue their education at universities through financial assistance under a myriad of acts such as titles IV, VI, part A of title IX of the Higher Education Act of 1965; title II under the National Defense Education Act of 1958, and many others.

These rights and others are being denied students, faculty and administrators by the few who use disruption to destroy. Under this bill the Federal Government would be empowered, if requested by the institution of higher education involved, to assure that the rights of the many are not denied by the few.

And yet the rights of the few are also protected. In all cases of criminal contempt arising out of violation of this act, the defendant is entitled to a jury trial if a fine in excess of $300 or imprisonment in excess of 45 days has been imposed. This is the precise formula used in the 1957 Civil Rights Act, supported by then-Senators John F. Kennedy and Lyndon B. Johnson.

In addition, the act specifically provides that, if eligible by reason of age, the accused shall be subject to the provisions of the Federal Youth Correction Act and the Federal Juvenile Delinquency Act. The bill further states that if the Federal Juvenile Delinquency Act should not be applicable or the conviction not set aside through the provisions of the Federal Youth Corrections Act, conviction of criminal contempt arising out of a violation of a court order issued pursuant to this act will be deemed conviction of a crime for the purposes of section 504(a) of the Higher Education Amendments of 1968. This provides institutions of higher education yet another option in dealing with campus disorders, since under section 504(a) an institution of higher education can, in its discretion, institute a hearing to determine whether an individual has been convicted of a crime. A recorded conviction automatically results in a mandatory cutoff of funds once the process is set in motion by the institution.

MY OWN MISGIVINGS

As I stated at the outset, I have some personal migivings about this measure which I should like to clarify at this point.

First. Is a Federal remedy needed? Is there not an adequate remedy at the State level? Some, including the National Commission on the Causes and Prevention of Violence, deem State remedies, including, presumably, injunctive relief in State courts, to be inadequate. The

truth is, Mr. President, that I have been unable to find any significant analysis of the laws and procedural remedies available in the 50 States. I have asked the Library of Congress to begin to prepare such an analysis which will, quite obviously, be a time-consuming undertaking.

In the meantime, I believe that the introduction of this bill and its circularization among school and law-enforcement officials in the 50 States, would expedite such an analysis. I intend to distribute this measure to college and university officials, faculty members, State commissions on higher education, presidents of student councils, Governors, state attorneys general, and so forth, for their analysis.

Second. Could not this bill, if it became law, be used as a club to beat down legitimate dissent so as to preserve a stagnated status quo?

I believe this poses a very legitimate question. As I pointed out earlier in my remarks, there are colleges and universities where the educational process has stagnated by remaining transfixed and immutable. Students on such campuses might well desire to protest such a process in an orderly, nonviolent way. Could a college administration quickly avail itself of this Federal remedy and thus both stifle the legitimate protest and thwart needed change?

Third. Is the Federal law-enforcement machinery sufficiently deployed and trained to enforce such a law?

We must assume that if Congress creates a remedy, it may well be utilized and conceivably could be called into play on several campuses simultaneously.

Do the Federal courts have available a sufficiently mobile and well-trained cadre of U.S. marshals to properly and intelligently enforce the court's order?

Fourth. Would a "Federal presence" exacerbate or inflame the situation, make it worse rather than better?

Assuming the necessity to enforce a Federal court order, a Federal judge might find that he needed more than the then available U.S. marshals and might wish to use Federal or federalized troops. Might not this intensify an already serious situation into something much worse, leaving almost permanent scars?

These and other questions can legitimately be asked when hearings are held on such a bill.

CONCLUSION

Mr. President, I think now is the time for such a discussion to go forward. By "now" I mean in the relative tranquillity of the summer recess without the emotion and anger that was generated during this spring's rash of campus disorders.

This fall and next spring we will once again see a series of campus disturbances. The root causes will still be there. I may be wrong in this estimate. Indeed, I hope I am.

Nevertheless, I believe that now is the time for rational unemotional discourse and analysis and I introduce this bill in the hope that through appropriate legislative hearings we might generate such discussion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent, since this bill bears so directly on education and the functioning of Federal educational programs, that it be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. The bill will be received and referred as requested; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2520) to amend the Higher Education Act of 1965 to provide a means of preventing civil disturbances from disrupting federally assisted programs and activities at institutions of higher education, introduced by Mr. EAGLETON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XII of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"PREVENTING THE DISRUPTION OF CERTAIN FEDERALLY ASSISTED PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION

"SEC. 1211. (a) In any case in which a person shall by force or threat of force—

"(1) disrupt activities in connection with,

"(2) seize property used in connection with, or

"(3) injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any other person participating in, receiving, or administering in the benefits of any program conducted at an institution of higher education set forth in subsection (b) of this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by the institution of higher education involved.

"(b) Programs referred to in the preceding subsection are the following:

"(1) Higher education facilities assisted under the Higher Education Facilities Act of 1963;

"(2) Library resources made available under part A of title II of the Higher Education Act of 1965;

"(3) Dormitories constructed under title IV of the Housing Act of 1950;

"(4) Surplus property received under the Federal Property and Administrative Services Act of 1949;

"(5) Land grants and endowments received under the Act of July 2, 1862 (commonly known as the First Morrill Act), the Act of August 30, 1890 (commonly known as the Second Morrill Act), and section 22 of the Act of June 29, 1935 (commonly known as the Bankhead-Jones Act);

"(6) Assistance for developing institutions under title III of the Higher Education Act of 1965;

"(7) Student assistance programs under title IV of the Higher Education Act of 1965;

"(8) Reserve officer training programs conducted by one or more of the military departments of the Department of Defense;

"(9) Student loans under title II of the National Defense Education Act of 1958;

"(10) Student loans under part C of title VII and nursing assistance under part B of title VIII of the Public Health Service Act;

"(11) Financial assistance for undergraduate institutions under title VI of the Higher Education Act of 1965;

"(12) Networks for knowledge under title VIII of the Higher Education Act of 1965;

"(13) Financial assistance for public service under part A of title IX of the Higher Education Act of 1965;

"(14) Financial assistance for the improvement of graduate programs under title X of the Higher Education Act of 1965;

"(15) Subsistence and educational assistance under section 1504, subchapter IV of chapter 34, and of subchapter IV of chapter 35 of title 38 of the United States Code;

"(16) And any other fellowship, scholarship, traineeship, or research program assisted by Federal funds and conducted at such institution.

"(c) The District Courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

"(d) (1) In all cases of criminal contempt arising out of violations of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both; *Provided, however,* That the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months; *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury; *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"(2) This subsection shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"(3) Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

"(4) In all cases of criminal contempt arising out of a violation of a court order issued pursuant to this section, the accused, if eligible by reason of age, shall be subject to the provisions of the Federal Youth Corrections Act and the Federal Juvenile Delinquency Act. In no case shall the accused be subject to a term of imprisonment or fine that exceeds the provisions set forth in paragraph (1) of this subsection.

"(e) Except as provided in paragraph (4) of subsection (d) of this section, conviction of criminal contempt arising out of a violation of a court order issued pursuant to this section shall be deemed conviction of a crime for the purposes of section 504(a) of the Higher Education Amendments of 1968.

"(f) Nothing in this section shall be construed as indicating an intention on the part of Congress to relieve any State, political subdivision or the District of Columbia, of its obligation to take appropriate action, including criminal prosecution and the institution of civil litigation under State and local law, to punish and prevent conduct described in this section."

S. 2521—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE PLYMOUTH ROCK NATIONAL MEMORIAL

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill

to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD at the end of my remarks.

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

Mr. KENNEDY. Mr. President, next year, this Nation will celebrate the three hundred and fiftieth anniversary of the landing of the Pilgrims at Plymouth Rock. I hardly need stress the historical significance of this occasion—every American schoolchild knows its history and cherishes its meaning. Every fall, all Americans spend a day of thanksgiving for the Pilgrims' successful first winter in America. Over 1 million tourists visit Plymouth Rock every year to stand on the place of this Nation's beginning.

And yet, we have, so far, neglected to include this site in our National Park System. I have introduced similar legislation in previous Congresses, in the hope that the 350th celebration would be held in a national park which belongs to the American people and recognizes the national significance of Plymouth Rock and insures that this national shrine and its environs is forever preserved in a setting of dignity and grace.

Although other measures may be introduced in this Congress to plan for the appropriate celebration of this most important anniversary, none would be more in keeping without national commitment to preserve the landmarks of our national history than the establishment of Plymouth Rock as a national memorial.

The Congress has acted in the past to designate such historic sites as the Chamizal National Memorial, the site of the signing of the Chamizal Treaty which ended the 100 year border dispute between the United States and Mexico; the Coronado National Memorial, which commemorates the great exploration of the Southwest by Coronado; the De Soto National Memorial which commemorates the landing of De Soto in Florida; the Federal Hall National Memorial, the site of the original Federal Hall where the Second Continental Congress met; the Fort Caroline National Memorial, which overlooks the site of Laudonnier's colony of 1664; the Fort Clatsop National Memorial, the site of the winter encampment of the Lewis and Clark Expedition; the General Grant National Memorial, a memorial to Ulysses S. Grant; the Hamilton Grange National Memorial, which was the former home of Alexander Hamilton; the Johnstown Flood Memorial, which memoralizes the tragic flood of 1889; the Lincoln Boyhood National Memorial, the southern Indiana farm on which Lincoln grew from youth to manhood; the Mount Rushmore National Memorial; the Roger Williams National Memorial, in honor of the founder of the Rhode Island colony; and the Wright Brothers National Memorial, the site of the first sustained flight by an airplane.

It would seem more than appropriate, therefore, to designate the site of the real beginning of our national history as such a memorial. I urge the Congress to act on this measure in the near future so that all the necessary work at the site can be accomplished before our celebration begins next year.

The bill (S. 2521) to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the landing of the Pilgrims in the New World at Plymouth Bay, Massachusetts, in 1620, the Secretary of the Interior may acquire by gift, purchase with donated or appropriated funds, exchange, or otherwise, not to exceed fifteen acres of land (together with any buildings or other improvements thereon), and interests in land at Plymouth Harbor in the town of Plymouth, Massachusetts, for the purpose of establishing thereon a national memorial: *Provided,* That property owned by the Commonwealth of Massachusetts may be acquired only with the consent of the owner.

SEC. 2. The property acquired pursuant to the first section of this Act shall be established as the Plymouth Rock National Memorial, and shall be administered by the Secretary of the Interior subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

S. 2522—INTRODUCTION OF A BILL AMENDING THE TRUTH-IN-LENDING ACT—SUBMISSION OF AMENDMENT NO. 58

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill amending the Truth-in-Lending Act to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information. This bill is in many ways similar to S. 823, the fair credit reporting bill which was introduced by Senator PROXMIRE and which was cosponsored by me and others. Also, I submit an amendment intended to be proposed by me to S. 823 which, if adopted, would convert that bill into the one I introduce here today.

As Senator PROXMIRE so aptly noted in his introductory remarks for S. 823, despite recent congressional committee investigations on the activities of credit-reporting agencies, few Americans are aware of the size and scope of this industry or of the amount of information these agencies maintain and distribute.

In 1967, credit-reporting agencies carried credit files on 110 million Americans. From these files, which may contain any information from an individual's financial status and bill-paying record to his general reputation, morals, and habits, over 97 million credit reports were issued. The problems raised by my distinguished colleague Senator PROXMIRE in his introductory remarks on January 31 of this year should again be noted.

Since that time, many of my constituents have indicated to me their concern that a number of problems would be caused by S. 823. I am particularly indebted to Louis A. Craco, Esq., and the members of the Committee on Civil Rights of the Association of the Bar of the City of New York for their cogent analysis of the existing legislation and statement of these problems. These views deserve consideration and definitely represent improvements which I have attempted to incorporate in my bill. The bill I introduce here today is intended to correct these problems.

My concern that S. 823 could be used to restrict the use of information which is truthful and legally obtained and would therefore be a substantial impingement upon constitutional guarantees has caused me to make the following changes: First, no restrictions are placed upon the type of information which may be collected and retained by the credit-reporting agency; second, in lieu thereof, the individual is given broad rights to have access to the information in his credit-report file together with the right to include in his file an explanatory statement which would become a permanent part of the file for so long as information the individual considered to be derogatory is retained therein; and third, to provide meaningful enforcement, the attorneys general of the States are given the power to seek permanent injunctions against offending credit reporting agencies.

Mr. President, I ask unanimous consent that the views of the Committee on Civil Rights of the Association of the Bar of the City of New York be printed in the RECORD following the conclusion of these remarks. I further ask unanimous consent that the text of this bill and the amendment be likewise printed in the RECORD.

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

The bill (S. 2522) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2522

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

SECTION 1. (a) The Truth in Lending Act is amended by adding at the end thereof the following new chapter:

"Chapter 4—CREDIT REPORTING AGENCIES

"Sec.
"161. Short title.
"162. Findings and purpose.
"163. Definitions and rules of construction.
"164. Requirements on credit reporting agencies.
"165. Requirements on users of credit reports.
"166. Civil remedies.

"§ 161. Short title

"This chapter may be cited as the Fair Credit Reporting Act.

"§ 162. Findings and purpose

"(a) The Congress makes the following findings:

"(1) An elaborate interstate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character and general reputation of individuals.

"(2) In an economy which depends increasingly upon information on individuals for the extension of credit and the movement of goods and services there is a need that such information be accurate and readily ascertainable.

"(3) Credit reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers and individuals.

"(4) There is a need to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right to privacy.

"(b) It is the purpose of this chapter to require that all credit reporting agencies, utilizing the facilities of interstate commerce, adopt reasonable procedures, in accordance with regulations prescribed by the Board, for meeting the needs of commerce for credit and other information in a manner which is fair and equitable to the individual.

"§ 163. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this chapter.

"(b) The term 'credit rating' means any evaluation or representation as to the credit worthiness, credit standing, credit capacity, character, or general reputation of any individual.

"(c) The term 'credit report' means any written, oral, or other communication of any credit rating, or of any information which is sought or given for the purpose of serving as a basis for a credit rating.

"(d) The term 'credit reporting agency' means any person who regularly engages in whole or in part in the business of furnishing credit reports, and for the purpose of preparing or furnishing them uses any means or facility of interstate commerce.

"§ 164. Requirements on credit reporting agencies

"Every credit reporting agency shall follow procedures, in conformity with regulations prescribed by the Board:

"(a) To notify promptly any individual as to information obtained prior to the effective date hereof and thereafter whenever information is obtained by the agency which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto. The statement so submitted shall thereupon become a part of said individual's credit report for so long as said information is included therein. In making any credit report in which reference is made to information in respect to which a statement has been submitted, the existence of said statement shall be included in such credit report together with the substance thereof.

"(b) To keep all information bearing on the credit rating of any individual current.

"(c) To provide any individual, upon request, a reasonable opportunity to correct information by the agency which may bear adversely upon his credit rating.

"§ 165. Requirements on users of credit reports

"Whenever a prospective transaction with an individual is canceled wholly or partly because of a report from a credit reporting agency, the person involved shall so notify the individual with whom the prospective transaction is canceled and shall supply the name and address of the credit reporting agency making the report.

"§ 166. Civil remedies

"(a) Any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any individual is liable to that individual in an amount actual to the sum of—

"Whenever a prospective transaction with an individual is canceled wholly or partly because of a report from a credit reporting agency, the person involved shall so notify the individual with whom the prospective transaction is canceled and shall supply the name and address of the credit reporting agency making the report.

"§ 166. Civil remedies

"(a) Any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any individual is liable to that individual in an amount equal to the sum of—

"(1) any actual damages sustained by the individual as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall be not not less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"(b) In each State, possession or territory wherein this Act shall be in effect, the attorney general thereof, or if there is no attorney general an officer designated by the chief executive thereof, is empowered to seek a permanent injunction against any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter.

"(c) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation."

(b) The table of chapters at the beginning of the Truth in Lending Act is amended by adding at the end thereof the following:

"4. Credit reporting agencies..... 161"

(c) The caption at the beginning of the Truth in Lending Act is amended to read as follows:

"TITLE I—TRUTH IN LENDING"

The amendment (No. 58) was referred to the Committee on Banking and Currency, as follows:

AMENDMENT No. 58

On page 1, line 9, strike out "166. Civil liability," and insert in lieu thereof, "166. Civil Remedies."

On page 3, line 21, beginning with the comma, strike out down through line 9 on page 5, and insert in lieu thereof a colon and the following new paragraphs:

"(a) To notify promptly any individual as to information obtained prior to the effective date hereof and thereafter whenever information is obtained by the agency which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto. The statement so submitted shall thereupon become a part of said individual's credit report for so long as said information is included therein. In making any credit report in which reference is made to information in respect to which a statement has been submitted, the existence of said statement shall be included in such credit report together with the substance thereof.

"(b) To keep all information bearing on the credit rating of any individual current.

"(c) To provide any individual, upon request, a reasonable opportunity to correct information obtained by the agency which may bear adversely upon his credit rating."

On page 5, strike out lines 11 and 12, and insert in lieu thereof "'Whenever a prospective transaction with an".

On page 5, line 15, strike out line 15 and insert in lieu thereof "notify the individual with".

On page 5, line 19, strike out "§ 166. Civil liability", and insert in lieu thereof "§ 166. Civil Remedies".

On page 6, between lines 7 and 8, insert the following new subsection:

"'(b) In each State, possession or territory wherein this Act shall be in effect, the attorney general thereof, or if there is no attorney general an officer designated by the chief executive thereof, is empowered to seek a permanent injunction against any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter.".

On page 6, line 8, strike out "(b)" and insert in lieu thereof "(c)".

The material presented by Mr. JAVITS is as follows:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK COMMITTEE ON CIVIL RIGHTS

REPORT ON PROPOSED LEGISLATION FOR PROTECTION AGAINST ERRONEOUS CREDIT INFORMATION

S. 823, 91st Cong., 1st Sess. (1969) introduced by Senator Proxmire for himself and Senators Javits, McGee, Magnuson, Mondale, Moss, Nelson, Williams of New Jersey, Yarborough and Young of Ohio would amend the Truth in Lending Act to impose requirements on credit rating agencies "to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information."

We believe that legislation for these purposes is important and represents a civil rights problem, and we approve S. 823 with the changes recommended below.

In numerous instances called to our attention persons have been threatened with adverse credit reports if they did not pay claims, which may or may not have been meritorious. The victim of such a report at present usually has no way to correct the information even if it is totally erroneous and even if he wins vindication in court on the merits of the dispute.

At the same time, we recognize that credit rating agencies serve an important function in expediting transactions and preventing unwise extensions of credit. This function should not be disturbed more than is necessary to correct the evils which exist. Further, credit agency files are frequently useful to federal and local law enforcement agencies in trying to find fugitives from justice or locate the operators of fraudulent or other criminal activities. This also is a social interest of some significance.

S. 823 would require credit rating agencies under Federal Reserve Board regulations to adopt procedures to achieve the following objectives:

"(a) To insure the confidentiality of information obtained by the agency which bears upon the credit rating of any individual.

"(b) To provide any individual, upon request, a reasonable opportunity to correct information obtained by the agency which may bear adversely upon his credit rating

"(c) To limit the collection, retention, or furnishing of information to those items essential for the purposes for which the information is sought and to preclude the collection, retention, or furnishing of information which only marginally benefits the purposes for which the information is sought or which represents an undue invasion of the individual's right to privacy.

"(d) To keep current information bearing on the credit rating of any individual and to destroy such information after it has become obsolete or after the expiration of a reasonable period of time.

"(e) To notify promptly any individual

whenever information which is a matter of public record is obtained by the agency and which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto.

"(f) To insure that, unless the individual on whom the information is being furnished agrees otherwise in writing, the information obtained by the agency is furnished only—

"(1) to persons with a legitimate business need for the information and who intend to use the information in connection with a prospective consumer credit or other transaction with the individual on whom the information is furnished; and

"(2) for the purposes disclosed in the collection of the information."

Under another provision, users of credit reports who deny credit based on an adverse report would have to notify the person concerned.

In our view the important aspect of these requirements is item (b) permitting an individual to correct erroneous credit information against him. This should be implemented by a clear requirement that persons be permitted to see credit reports relating to them in order to determine whether corrections are necessary.

The provisions which attempt to restrict the use of information even if it is correct create a problem in our view. We would prefer to delete these and enact requirements instead designed to insure the correctness of the information disseminated.

There may be constitutional problems arising under the First Amendment in restricting persons from retaining or disseminating entirely truthful information about others which was not illegally obtained. Compare *Time, Inc.* v. *Hill*, 385 U.S. 374 (1967); and authorities cited.

One practical problem with such restrictions is the fact that non-credit rating agencies such as trade newspapers, merchants themselves exchanging information, private detective agencies, and indeed all others would not be under similar restrictions. This would create inequities and also tend to defeat the objectives of the bill.

Likewise, we have difficulty justifying a rule that information which can be used for deciding on extensions of credit cannot be given to law enforcement authorities. This would be saying in effect that extension of credit is a social interest of greater weight than the solution of crimes, which would hardly be a defensible position. Credit agencies, of course, are under the same restrictions as others as to obtaining information by improper means.

Under the bill, punitive as well as liquidated and actual damages are payable for violations of its terms. The situation could thus arise where a person has committed antisocial acts relevant to his credit rating and a credit rating agency would have to pay him because they honestly disclosed this truthful fact. This in our view would present constitutional problems as well as being highly unpalatable to the public.

We believe that the remedies contained in the bill should be strengthened by permitting a public agency to obtain injunctions against violations. Violations would be likely to occur as part of a pattern, and we doubt that private damage actions alone would be enough to secure effective enforcement.

CONCLUSION

We approve the provisions of S. 823 designed to deal with the problem of "arbitrary, erroneous and malicious credit information." We recommend deletion of those provisions of S. 823 which go beyond this objective and attempt to restrict the dissemination of even truthful, legally obtained information.

Respectfully submitted.

Committee on Civil Rights, Louis A. Craco, Chairman, Ann T. Anderson, Edward Brodsky, Milton M. Carrow, James F. Downey III, Sheldon H. Elsen, Michael Seth Fawer, Richard A. Givens, Prof. R. Kent Greenawalt, Arthur M. Handler, Conrad K. Harper, Lewis M. Isaacs, Jr., Arthur H. Kroll, Steven H. Lipsitz, Donald F. Malin, Jr., Peter H. Morrison, Leon B. Polsky, J. Kenneth Townsend, Jr., William J. Williams, Jr.

S. 2523—INTRODUCTION OF COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, the Community Mental Health Centers Amendments of 1969, which would extend, amend, and improve legislation under which millions of Americans who are touched by the tragedy of mental and emotional illnesses may find new hope, and through which this country may move toward preventing mental illness.

By 1969, more than 350 community mental health centers were established in 50 States, Puerto Rico, and the District of Columbia. These centers represent mental health service coverage for more than 50 million Americans from all walks of life. But they are only a start toward the goal of bringing home-based mental health care to all Americans. It is found that a total of 2,000 centers are needed throughout the country if we are really to carry out one of the most significant improvements in public health in this century.

These hundreds of mental health centers did not spring forth suddenly with the provision of Federal funds. In more than one sense they represent people. In these centers, we see the participation of thousands of citizens who have worked to bring services to their communities. In them, we see new affiliations among local agencies and organizations, joining to combine their facilities, their talents, and their resources. We see newly created mental health boards of citizens, new legislation at State and local levels, new action stimulated by the national community mental health program.

The original Community Mental Health Centers Act grew from an urgent need in this country to end the neglect of the mentally ill, to start toward prevention of mental health problems.

That act first provided construction grants for the establishment of community mental health centers, an entirely new system for the delivery of comprehensive mental health care to all Americans. Construction was and is needed to strengthen the capacities of our communities to take care of and restore the mentally ill—and to do this near their homes and families, their jobs and places of work. Facilities were and are needed from which communities may draw preventive services for their schools, their clergy, their physicians, their courts, and other agencies.

Since the adoption of this legislation, $125 million in Federal construction aid has stimulated the community mental health movement in the United States. In 1965, an amendment provided staffing assistance to centers in recognition of a further need of the States and communities in developing their new mental health services. Under this authorization, $93 million for the initial staffing of centers has further stimulated the move toward community-based mental health care.

The statistics are impressive. When the currently funded centers are in full operation, they will serve 27 percent of the Nation's population in cities and towns of all sizes. They will serve 20 to 25 percent of the over 20 million people living in the 101 metropolitan areas designated as poverty target areas. They will serve 122 of the 486 poorest rural counties, as well. My enthusiastic support is based upon the remarkable progress reflected in these and other figures and in the certain conviction that this country can no longer afford to neglect the mental health of its citizens, whether sickness takes the form of a major affliction, violence, delinquency, family disruption, or drug abuse.

However, we still have great needs. Thus, I am proposing substantially increased authorizations for both construction and staffing. The total proposed authorization over 5 years is $975 million.

Because urban and rural poverty areas have been found to need a larger measure of Federal assistance to develop and operate their mental health services, I have proposed for these areas a higher Federal sharing of construction costs and a higher Federal percentage for costs of staffing the programs. For construction grants in disadvantaged areas, I propose Federal funding of up to 90 percent of total costs. The present limit is two-thirds. For staffing grants to centers in these areas, I propose the same Federal funding of up to 90 percent. The present upper limit is 75 percent.

Because the program faces serious hurdles in financing the operation of centers locally, I have also proposed that the present limit of 51 months for staffing aid to all centers be extended to 10 years. I have been informed that many centers already face difficulties in arranging to meet operating costs when the present aid expires. A pressing need is for further extension of the Federal assistance, and at the increased percentages proposed.

Other changes included are also based upon experience with the program. The last Congress provided that 2 percent of the State's construction allotment could be set aside for administration of the State construction plan. I believe we should support administration of the State's entire comprehensive planning for mental health services. Accordingly, I have amended this section and also increased the available percentage to 5 percent. This provides a more realistic amount for this essential activity.

I have been informed that many programs have been hobbled by the need for funds with which to acquire land. I therefore have proposed that the cost of purchasing land, not now eligible for construction costs, be included in the Federal authorization. In addition, I have

proposed that States no longer be required to give every applicant a minimum of one-third Federal share, regardless of need. This change is designed to permit the States to use their available allotments in a manner more closely suited to their communities' needs.

Reflected also in my proposal is the now evident requirement for specific assistance for the initiation and development of community mental health programs. As I have indicated, many agencies and organizations are combining their resources and talents to make this program work. Therefore, I am proposing that up to 5 percent of the annual appropriation for staffing of mental health centers be set aside to make initiation, development, and staffing grants available to local, public, or private nonprofit agencies in urban or rural poverty areas. The task of assessing local mental health needs and developing the necessary resources at the local level is crucial to the program.

Finally, my proposal reflects a most heartening development in the progress of our national community mental health program. I am advised that the most successful of the new mental health centers are those with broad and active community participation. This has proven essential not only for targeting services directly at the community's specific needs, but to obtain the wide community support eventually needed to fund and support the services.

I have therefore proposed that each application for Federal staffing aid give assurance that persons already representative of all elements of that area's population be given opportunity to participate in developing programs for the delivery of mental health services.

Few measures can be of higher priority than that which seeks to strengthen the mental health of all our citizens. I believe this bill deserves enactment by the Congress because it is directed to this need.

I would like also to announce that the senior Senator from Massachusetts (Mr. KENNEDY) and I are working on a proposal to meet the needs of the mentally retarded. We expect to introduce such legislation in the near future.

I am happy to note that the Senator from California, the present occupant of the chair as Presiding Officer (Mr. CRANSTON in the chair) is one of the cosponsors of this measure. I introduce this bill for myself, the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senators from North Dakota (Mr. BURDICK and Mr. YOUNG).

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 2523) to amend, extend, and improve certain public health laws relating to mental health, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2523

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1969".

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

EXTENSION OF DURATION

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking the word "and" which appears immediately before "$70,000,000," and (2) by inserting immediately before the period at the end thereof the following: ", $95,000,000 for the fiscal year ending June 30, 1971, $115,000,000 for the fiscal year ending June 30, 1972, $115,000,000 for the fiscal year ending June 30, 1973, $135,000,000 for the fiscal year ending June 30, 1974, and $135,000,000 for the fiscal year ending June 30, 1975".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1975".

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 102. (a) Section 403(c)(1) of the Mental Retardation Facilities and Community Mental Health Centers Act (42 U.S.C. 2693) is amended by striking out "such part" and inserting in lieu thereof "this Act"; section 403(c)(2) of such Act (42 U.S.C. 2693) is amended by striking out "such part A" and inserting in lieu thereof "this Act".

(b) Effective with respect to expenditures referred to in paragraph (1) of subsection (c) of section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 made after June 30, 1970, such paragraph (42 U.S.C. 2693) is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum."

TITLE II—GRANTS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

FEDERAL SHARE

SEC. 201. Effective with respect to costs of development and operation of any center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b) Grants for such costs for any center under this part may not exceed—

"(1) except as provided in paragraphs (2) and (3), 75 per centum of the costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next six years after such first day;

"(2) in the case of grants to any center which provides services for persons in an area designated by the Secretary as an urban or rural poverty area, 90 per centum of such costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, and 75 per centum of such costs for each of the next 8 years after such first day; and

"(3) in the case of a grant which undertakes to initiate and develop a program for delivery of community mental health center services for persons in an area designated by the Secretary as an urban or rural poverty area, 100 per centum of the costs (or $50,000, whichever is less) attributable to the initiation and development of such program for the one-year period beginning with the first day of the first month for which such grant is made for such purpose.

No grant shall be made under this section, in the case of any center referred to in paragraph (1), for any period of time which is later than the last year referred to in paragraph (1), or, in the case of any center referred to in paragraph (2), for any period of time which is later than the last year referred to in paragraph (2)."

APPLICATIONS AND CONDITIONS FOR APPROVAL

SEC. 202. Section 221(a) of such Act (42 U.S.C. 2688a) is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following new paragraph:

"(6) in the case of a grant (as referred to in section 220(b)(3)) for costs attributable to initiation and development and staffing of a program for delivery of community mental health services to persons in an urban or rural poverty area, the Secretary is satisfied, upon the basis of evidence supplied by the applicant, that persons broadly representative of all elements of the population of such area will be given an opportunity to participate in the development of such program."

EXTENSION OF DURATION

SEC. 203. Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears therein and inserting in lieu thereof "1975".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) The first sentence of section 224 of such Act (42 U.S.C. 2688d) is amended (1) by striking out the word "and" which appears immediately after "1969", and (2) by inserting immediately after "1970," the following: "$60,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975".

(b) Section 224 of such Act (42 U.S.C. 2688d) is further amended by adding immediately after the first sentence thereof the following: "For the purposes of assessing local mental health needs, developing necessary resources, and involving local citizens in the development of mental health programs, up to a maximum of 5 per centum of the appropriation authorized for each fiscal year under section 224 of such Act (42 U.S.C. 2688d) shall be available to the Secretary for grants to local public or private nonprofit agencies or organiaztions to cover up to 100 per centum of the costs, but in no case to exceed $50,000, for initiation and development of a program for delivery of community mental health center services, for one year only running from the first day of the first month for which such a grant is made with respect to such a local public or private nonprofit agency or organization. In no event may such grants under clause (3) with respect to any local public or private nonprofit agency or organization be made for any period after such one year."

(c) The second sentence of section 224 of such Act (42 U.S.C. 2688d) is amended by striking out "seven" and inserting in lieu thereof "17".

COST OF COMPENSATION OF STAFF

SEC. 205. (a) Effective with respect to costs of operation of any center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of such Act (42 U.S.C. 2688), such subsection is amended by striking out "compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "compensation of personnel for the initial operation".

(b) The heading of part B of such Act (42 U.S.C. 2688 et seq.) is amended to read as follows:

"GRANTS FOR INITIAL COST OF PERSONNEL OF CENTERS"

TITLE III—AMENDMENTS RELATING TO COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

COST OF LAND INCLUDED IN COST OF CONSTRUCTION

SEC. 301. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 401(e) of such Act is amended by striking out "architect's fees, but exluding the cost of offsite improvements and the cost of the acquisition of land" and inserting in lieu thereof "architect's fees and the cost of the acquisition of land, but excluding the cost of offsite improvements".

FEDERAL SHARE TO BE MAXIMUM; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 302. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of such Act, section 402 of such Act (42 U.S.C. 2692) is repealed, and section 401(h) of such Act is amended to read as follows:

"(h)(1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall, except as provided in paragraph (3), be an amount equal to 66⅔ per centum of the Federal percentage for the State, or, if lower, the amount determined by the State agency designated in the State plan. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method of determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determining the actual Federal share for such projects in such State approved during such fiscal year shall not be changed after such written approval has been given.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share shall be equal to such per centum of the costs of the construction of the project as may be determined by the State, except that such per centum shall not exceed 90 per centum."

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

SEC. 303. Section 401(j)(1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

The section-by-section analysis, presented by Mr. YARBOROUGH, is as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

Section 101—Extension of duration

(a)(1) and (2). Construction grant authority, provided under Section 201 of the Community Mental Health Centers Act, which would have expired in Fiscal Year 1970, is extended for five years, 1971–1975 inclusive. Appropriation ceilings are specified as follows:

[In millions of dollars]

For the fiscal year ending June 30, 1971	95
For the fiscal year ending June 30, 1972	115
For the fiscal year ending June 30, 1973	115
For the fiscal year ending June 30, 1974	135
For the fiscal year ending June 30, 1975	135

(b). The provision of Section 207 of the present Act, concerning non-duplication of construction grants, was also extended five years to June 30, 1975.

Section 102—Percentage of Allotments Available for State Plan Administration

(a). Section 403(c)(1) and (2) of the Centers Act are amended by deleting references to Part A of the Act, which refers to the construction plan only, and substituting the words "this Act." This would make it possible for the funds to be used for administration of the entire State Comprehensive Mental Health plan by the State Mental Health Authorities, rather than limiting the use of such funds to the administration of the construction plan under part A of the Act only.

(b). The percentage of construction allotments available for State use each year in paying up to one-half of the costs of administration of its State plan would be increased from two percent or $50,000, whichever is less, to five percent or $50,000, whichever is less. The present two percent provision for administration costs was added to the Centers Act in 1968 by P.L. 90–574. While virtually all States would be likely to benefit from this provision, it would be particularly useful for States receiving the minimum construction allocation. For example, approximately 16 States generally receive construction allotments of $200,000 or less which means that under the present provision their allocation for administration costs would not exceed $4,000. Under the amendment, this group of States would be eligible to allocate up to $10,000 for this purpose.

TITLE II—GRANTS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

Section 201—Federal Share

Subsection (b) of Section 220 of the Community Mental Health Centers Act would be amended as follows:

(1). The present Act (Section 220(b)) specifies an initial staffing grant period of 15 months at a maximum Federal share of 75 percent. The bill would extend the duration of the initial grant period at 75 percent to two years. A declining Federal share of 60 percent and 45 percent, for each of the next two years respectively is provided exactly as is done in the present Act. Thirty percent is provided for the next six years instead of three years as in the present Act. The overall period of support would be ten years instead of four years and three months.

(2). A new clause would be added to authorize a longer support period and a higher Federal share to be paid to centers serving persons in areas designated by the Secretary as urban or rural poverty areas. For the first two years the Federal maximum would be 90 percent of staffing costs, and payment of 75 percent of such costs is authorized for the next eight years. The amendment is intended to assure that a greater proportion of total centers' resources will be utilized for development of services in areas of greatest need.

(3). A third new clause would authorize the Secretary to make grants to local public or private non-profit agencies to meet up to 100 percent of the costs of initiating and developing a program for the delivery of community mental health services for persons in areas designated by the Secretary as urban or rural poverty areas. The grants would be for the purpose of assessing local mental health needs, developing necessary resources, involving local citizens in the development of mental health programs to serve the communities in which they reside. The grants would be for a one year period only, not to exceed $50,000 per grant. (See discussion of Section 204, *ante*.)

Section 202—Applications and Conditions for Approval

A new clause would be added to Section 221(a) of the Centers Act to require that before a staffing or an initiation and development grant for a program for the delivery of community mental health services to persons in an urban or rural poverty area may be approved, the applicant must give the Secretary satisfactory evidence that persons broadly representative of all elements of the population of such area will be given an opportunity to participate in the development of the programs authorized.

Section 203—Extension of duration and section 204—Authorization of appropriations

(a) Authorization for staffing support appropriations is extended under Section 224 of the Centers Act for an additional five years, 1971–1975 inclusive. It would otherwise expire on June 30, 1970. Appropriation ceilings are specified as follows:

[In millions of dollars]

For the fiscal year ending June 30, 1971	$60
For the fiscal year ending June 30, 1972	60
For the fiscal year ending June 30, 1973	80
For the fiscal year ending June 30, 1974	80
For the fiscal year ending June 30, 1975	100

(b). Section 224 of the Act is further amended by adding a new clause making available to the Secretary a maximum of five (5) percent of the staffing appropriation authorized for each fiscal year to make the initiation and development grants to local public or private non-profit agencies authorized by Section 201, *supra*.

(c). The provision in Section 224 of the Act which presently authorizes staffing continuation grants for Fiscal Year 1967 and the next seven years is amended to cover Fiscal Year 1967 and each of the next 17 years.

Section 205—Cost of compensation of staff

(a). The qualifying words "professional and technical" under Section 220(a) in describing the personnel whose salaries may be covered under the staffing portion of the Act would be eliminated. The new authorization would be for a portion of the costs "of compensation of personnel for the initial operation." This would make it possible to offer Federal staffing assistance for all center employees, including those with administrative or housekeeping responsibilities primarily and might lend impetus to a growing trend to employ sub-professionals in a variety of useful ways.

(b). In conformance to the above, the heading of Part B of the Act covering staffing is amended to read: "Grants for Initial Cost of Personnel of Centers."

TITLE III—AMENDMENTS RELATING TO COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

Section 301—Cost of land included in cost of construction

The term "construction," as defined in Section 401(e) of the Centers Act would be

amended to include the cost of the acquisition of land as a reimbursable construction cost. This cost is specifically excluded in the existing definition. At present, a number of communities have found it impossible to develop a center because of lack of financial resources to purchase a building site or to acquire land on which a suitable building is already located. This amendment should prove particularly useful in urban disadvantaged areas.

Section 302—Federal Share to Maximum; Higher Share for Disadvantaged Areas

Section 402 of the Act, which permits State plans to include standards for determining a variable Federal share of construction costs based on a State's own assessment of its priority needs, would be repealed.

The existing lower limit (33⅓ percent) on the Federal share of the costs of construction would be eliminated. It would then be possible for the Federal contribution to be any amount up to a maximum of 66⅔ percent. A State would be required to give the Secretary written notification of the maximum Federal share established, the variable share established for each project, and the method for determining such shares. Once the maximum share and the method of determination have been approved, a State may not change either during the fiscal year in which established.

The amendment also authorizes a higher Federal share of the costs of construction for projects which will provide services for persons in areas designated by the Secretary as urban and rural poverty areas. The new maximum would be 90 percent, instead of 66⅔ percent for non-poverty areas.

Section 303—Period for Promulgation of Federal Percentages

The deadline for promulgating Federal percentage of construction costs will be extended from August 31 to September, for reasons of administrative convenience.

S. 2527—INTRODUCTION OF A BILL TO REPEAL THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Mr. GORE. Mr. President, I have today introduced a bill to repeal the Automotive Products Trade Act of 1965, the legislation which implemented the unwise and hurtful trade agreement with Canada governing automotive products.

I have spoken out on this matter many times, and find it continuingly distressing that few of my colleagues have seen fit to interest themselves in this agreement. I again call this matter to the attention of my colleagues, particularly since a Cabinet-level meeting to discuss trade and related matters was held last week here in Washington between United States and Canadian officials.

According to press reports, despite the fact that this trade agreement has so obviously and demonstrably worked to the detriment of the United States, our representatives at the meeting last week had no plans to press for liberalization of the agreement. I suppose it should be considered a victory for our side if we emerge no worse off than before, given the past history of this sorry charade.

The Congress is supposed to receive an "annual" report on the working of this agreement. Thus far, the agreement having been in operation for some 4½ years, we have received two reports, the most recent having come to Congress well over a year ago. On inquiring last week, I was advised that another report is now at the printer, but cannot be expected on Capitol Hill for another 2 weeks or so.

This new report will probably show that our balance of payments has been worsened by about a billion dollars per year as a result of this agreement. In other words, instead of having a favorable trade balance in automotive products of about one-half billion dollars, as was the case immediately prior to the entering into effect of this agreement, we will now show about a half billion dollar deficit in this commodity.

It will be interesting to see what the Nixon administration does about this, whenever it can get around to giving it any thought. And do not misunderstand. I am not blaming this fiasco on the Republicans. This agreement was a truly bipartisan effort at economic suicide, having been worked out by a Democratic administration and supported in the Senate by a solid 95 percent Republican vote.

I will continue to do what I can to bring this to the attention of the administration and my colleagues, and look forward, though not with happy anticipation, to reviewing the third annual report when it shall have been received.

In the meantime, I hope colleagues will be interested in reading the article which appeared in the Journal of Commerce for June 24, which is somewhat in the nature of a brief report on the recent workings of this agreement. I ask unanimous consent that this article be printed at this point in my remarks.

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

[From the Journal of Commerce, June 24, 1969]

UNITED STATES-CANADA TRADE TO BE AIRED

(By Richard Lawrence)

WASHINGTON, June 23.—U.S. and Canadian cabinet officers meet here this week against the background of a sharply negative swing in the American trade balance with Canada.

U. S. inflation is partly the culprit but the single biggest factor in the current deficit is a unique bilateral pact called the U. S.-Canadian Automotive Products Agreement.

In 1964–65, just before the pact took full effect, U. S. automotive trade surpluses with Canada averaged $550 million a year. Last year, the United States came off with a $240 million deficit, according to the Commerce Department's Bureau of International Commerce, and through April this year, the deficit was up to $125 million—five times that of 12 months earlier.

NOT TO ASK LIBERALIZATION

Despite this, the U. S. cabinet team, led by Secretary of State William Rogers, apparently will not press the Canadians for any liberalization of the imperfectly balanced agreement.

Though Canada has reversed the auto trade flow to her advantage by nearly $1 billion, she declines to relax her special import controls applied against U. S. vehicles and parts.

While the United States lets in duty-free all new Canadian vehicles and parts—no strings atttached—Canada limits its duty-free entry to purchases made by licensed Canadian manufacturers.

Manufacturers get a license if they maintain a prescribed percentage of Canadian content in their production and adhere to a Canadian production-sales ratio fixed by Ottawa. Both measures are designed to limit imports.

KENNEDY ROUND

Any Canadian other than those manufacturers must pay a 15 per cent duty on U. S. car purchases and duties ranging from 15 to 17 per cent on parts. These rates reflect Canada's recent move completely implementing the 1967 Kennedy Round concessions.

U. S. officials—outside the State Department and the Commerce Department's Business and Defense Service Administration, where the pact is still defended—contend the special agreement with Canada has been a major factor in the crumbling U.S. trade balance.

The agreement was deliberately designed to favor Canada, which had been threatening economic curbs against the United States if its auto industry was not helped. State and Commerce officials led in the negotiation.

Reports persist that the pact was actually born out of President Johnson's desire to repay Canadian Prime Minister Pearson for a 1964 troop commitment during the Cyprus crisis.

REPUBLICAN VOTES

The agreement passed the Senate on a solid bloc of Republican votes, apparently delivered by Sen. Everett Dirksen (Ill.), who, some said, persuaded Mr. Johnson to relax his push for repeal of the "right to work" law.

A year ago, Sen. Vance Hartke (D-Ind.), spotting the steady deterioration in the U.S.-Canadian trade balance, called a Finance Committee hearing to probe the pact's effects. But administration officials, juggling figures, insisted the agreement was still to this country's advantage.

Spokesmen for the major auto companies, whose subsidiaries produce the great bulk of Canada's motor vehicles, were for the bilateral pact as strongly as ever.

With Ford producing the "Maverick" in Ontario, the U.S. trade deficit can be expected to worsen further. Detroit's Canadian subsidiaries are using the agreement to "integrate" or boost Canadian car output, much of it for the U.S. market.

IMPORTS INCREASE

Last year, more than a half-million Canadian cars, valued at nearly $1.4 billion, entered the U.S. three years earlier, only $35,000 cars had been shipped across the border.

The administration, despite its concern over the country's general trade balance, may not be pressing Canada to liberalize the auto pact out of fear. The Canadians would "retaliate" in other areas, such as by raising lumber prices.

Those earlier than scheduled Kennedy Round concessions are another talking point Ottawa might use to argue against easing the Canadian controls. But it is doubtful that slightly lower Canadian tariffs will exercise much, if any, effect on auto trade.

The two cabinet teams—Foreign Minister Mitchell Sharp will head the Canadian delegation—are also due to talk on such other matters as wheat and oil policy. It is not expected that any substantive decisions will emerge from the two days of discussions.

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

The bill (S. 2527) to repeal the authority of the President to proclaim modifications of the Tariff Schedules of the United States under the Automotive Products Trade Act of 1965 and to terminate modifications of such schedules heretofore proclaimed under authority of such Act, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 849

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968.

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

S. 2259

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons.

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

S. 2518

Mr. HARTKE. Mr. President, through an unfortunate inadvertence, the name of my distinguished friend, the Senator from North Dakota (Mr. BURDICK), was omitted from the list of cosponsors of 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. This omission was especially disappointing since the gentleman from North Dakota was one of the earliest and most enthusiastic of those who so graciously offered to cosponsor this bill.

I ask unanimous consent, Mr. President, that the permanent RECORD be corrected to include Senator BURDICK's name among those listed as cosponsors. I further ask unanimous consent that, at its next printing, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of this bill.

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

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 57

Mr. INOUYE submitted amendments, intended to be proposed by him, to the 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, which were ordered to lie on the table and to be printed.

PROTECTION OF CONSUMERS AGAINST ARBITRARY, ERRONEOUS, AND MALICIOUS CREDIT INFORMATION—AMENDMENTS

AMENDMENT NO. 58

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, which were referred to the Committee on Banking and Currency and ordered to be printed.

(The remarks and amendment of Mr. JAVITS appear earlier in the RECORD under the appropriate heading.)

COLLECTION OF FEDERAL UNEMPLOYMENT TAX IN QUARTERLY INSTALLMENTS—AMENDMENT

AMENDMENT NO. 59

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (H.R. 9951) to provide for the collection of the Federal unemployment tax in quarterly installments during the taxable year, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

AMENDMENT NO. 60

Mr. GOODELL submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11612) an act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely: On page 23, line 14, after the colon, insert the following:

"*Provided further*, That:

"(1) None of the funds appropriated by this Act or any funds available to the Commodity Credit Corporation shall be used to make price support payments or acreage diversion payments which will result in a total of such payments to any producer in excess of $10,000 for each of the 1970 crops of upland cotton, extra long staple cotton, wheat, and feed grains.

"(2) If the foregoing payment limitation reduces the payments which otherwise would be made to a producer of feed grains (which for the purposes hereof shall be considered as a single commodity) and wheat on any farm, the minimum acreage diversion requirements for such commodity on the farm or farms shall be reduced by the same percentage as the payment to the producer of such commodity on the farm are reduced by the limitation. The term "payment" includes payments-in-kind, wheat marketing certificates and export marketing certificates, but does not include loans or purchases.

"(3) If the foregoing payment limitation reduces by 20 percent or more the payments which otherwise would be made to a producer of either upland or extra long staple cotton on any farm, such producer, without affecting his status as a cooperator and without being subject to marketing quota penalties, may be permitted by the Secretary of Agriculture to exceed the applicable cotton acreage allotment for the farm by not more than 30 percent.

"(4) The Secretary may not permit the owner and operator of any farm, for which the foregoing cotton payment limitation reduces the payment that otherwise would be made, to sell or lease all or any part of the right to all or any part of such allotment, to any other owner or operator of a farm, unless he finds the lease or sale is not for the purpose of evading the foregoing payment limitation.

"(5) Acreage planted to the 1970 crop of cotton in excess of the acreage allotment for the farm established under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be taken into account in establishing future State, county and farm acreage allotments and shall not be considered as part of any acreage allotment.

"(6) Section 103(d)(12) of the Agricultural Act of 1949, as amended shall not be applicable to the 1970 crop of cotton.

"(7) The Secretary of Agriculture shall provide such regulations as he determines necessary to effectuate the purposes of this section and to prevent evasion of the limitations contained in this section."

Mr. GOODELL also submitted an amendment, intended to be proposed by him, to House bill 11612, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ANNOUNCEMENT OF HEARINGS ON AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights will hold hearings on S. 818 and S. 2507, bills to amend the Voting Rights Act of 1965, on July 9 at 10 a.m. in room 155, Senate Office Building, and on July 10 at 10 a.m. in room 2228, New Senate Office Building.

Anyone wishing further information, please contact the subcommittee office.

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:

George E. Tobin, of California, to be U.S. marshal for the northern district of California for the term of 4 years, vice Louis H. Martin.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, July 8, 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.

NOTICE OF HEARING

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, July 10, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Ozell M. Trask, of Arizona, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347, approved June 18, 1968

Eugene A. Wright, of Washington, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347, approved June 18, 1968

Gerald S. Levin, of California, to be U.S. district judge for the northern district of California, vice a new position created under Public Law 89-372, effective September 18, 1966

H. Emory Widener, Jr., of Virginia, to be U.S. district judge for the western district of Virginia, vice an additional position established by title 28, U.S.C., section 372(b), November 6, 1967

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Nebraska (Mr. HRUSKA), and myself.

ORDER FOR ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

HOUSE CONCURRENT RESOLUTION 296—ADJOURNMENT FROM WEDNESDAY, JULY 2, 1969, TO MONDAY, JULY 7, 1969

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 296.

The PRESIDING OFFICER laid before the Senate the concurrent resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

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

There being no objection, the concurrent resolution (H. Con. Res. 296) was considered and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969.

ORDER FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business on Wednesday, July 2, until noon on Monday, July 7, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that the messages may be appropriately referred.

I further ask unanimous consent that during the same period all committees be authorized to file reports, including any minority, individual, or supplementary views.

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

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Roads of the Committee on Public Works be authorized to meet during the session of the Senate today.

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

MEMORIAM FOR HARRISON TWEED

Mr. JAVITS. Mr. President, it has always been true of the legal profession that lawyers do not confine their services to the wealthy and to courtrooms. Community service and help for the poor are considered part of a lawyer's sworn duty. I know of no other lawyer who has exemplified this ideal more than Harrison Tweed, of whose recent loss we speak in memoriam today.

A founder of the distinguished law firm of Milbank, Tweed, Hadley, & McCloy, Harrison Tweed devoted a major part of his life to education in and out of law, and above all he was the apostle of legal aid for the poor. He was a trustee of Sarah Lawrence College from 1959 through 1960. He was a member of the board of overseers of Harvard University, where he received his college and law degrees, from 1950 to 1956. Always interested in legal education, he was president of the American Law Institute from 1947 to 1961, and chairman of the American Law Institute and American Bar Association's program on continuing legal education.

One of the great revelations of the Federal Government's war on poverty, instituted in the 1960's was the need of the poor for legal services and the poor's appreciation of such aid in terms of dignity and satisfaction. Since I have always believed most strongly in providing legal assistance to the poor on a regular basis, Mr. Tweed's contribution to this most vital need commanded my great respect. He was director of the National Legal Aid Association and author of "Legal Aid Society—New York 1876–1951." He was a leading force in the New York City Legal Aid Society and of the various bar associations.

It is not just the passing of a friend and fellow lawyer which touches me, but it is the realization that a symbol of what a high-minded member of the bar and a fine community servant is gone. I hope that Harrison Tweed's example will pass on to many new lawyers and public spirited people.

STATUS OF FUNDING UNDER PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, Mr. Frank L. Griffin, Jr., vice president and actuary for the Wyatt Co., and Mr. C. L. Trowbridge, vice president and chief actuary for Bankers Life Co., have recently completed the first factual nationwide study of funding of private pension plans in the United States. Their study was undertaken for the Pension Research Council, of the Wharton School of Finance and Commerce, of the University of Pennsylvania and was published as a book in May. It was partially funded by a grant from the Department of Health, Education, and Welfare.

As the author of S. 2167, a bill which would establish minimum standards of vesting and funding for all private pension plans, I am naturally extremely interested in the study of Messrs. Griffin and Trowbridge. Insofar as funding is concerned, the study showed that most private pension plans in America are extremely well funded. Thus, of the 1,047 plans closely analyzed in the study the aggregate asset values were $22 billion and the value of accrued benefits also totaled $22 billion. The exact equivalence is coincidental; the point is that on a total basis all accrued benefits under the plans studied were fully funded. Moreover, the total value of vested, accrued benefits was $18 billion.

On an individual plan basis, the study found that over 70 percent of the plans with effective funding periods of 15 years or more were actually more than fully funded, that is their assets exceeded their accrued benefits. Of particular significance in terms of the funding standards which would be required by S. 2167, the study showed that most private pension plans are funding well ahead of the 40-year schedule which would be required under the bill, for existing plans.

The study also examined the degree of vesting in the plans studied. Approximately 27 percent of the plans studied met a 10-year vesting schedule, an additional 42 percent met a 20-year schedule, and the remaining 31 percent had no vesting or vesting later than 20 years. While these figures would indicate that the vesting standards which would be in effect under S. 2167—10 percent after 6 years and 10 percent per year thereafter with full vesting at the end of 15 years—would not be met, at present, by perhaps half of the plans, the figures on funding, particularly those showing that vested benefits are fully funded, indicate that many, perhaps even the vast majority, of plans could significantly increase their vesting without any increase at all in the amounts which would have to be contributed to meet the funding standards provided under S. 2167.

Clearly, this is a highly significant study in terms of the workability and practicability of the type of legislation I have authored. It certainly belies the claims of those who have been saying that legislation such as S. 2167 would discourage the further growth of the private pension system.

As I have emphasized again and again, I am completely committed to fostering the growth of the private plan system; and I have never believed that requiring private plans to meet minimum standards of equity and fairness, through funding and vesting, would hinder their development. This study certainly seems to bear my thesis out.

Of course, I recognize that the authors of the study did not actually study every pension plan in the country and the conclusions they reached may not accurately reflect the true situation in the country for all plans. However, the study was done as carefully as possible; every detail of methodology is explained in the study and due allowance is made for types of plans underrepresented in the sample subjected to scrutiny. The whole study took 5 years to complete, and the authors studied almost 4,000 plans accounting for more than 9 million participants, about 44 percent of the estimated coverage of plans in existence for 10

years or more at the time of the study. Certainly there is no other study which approaches this one, either in the amount of plans carefully studied, or in the rigorous methodology employed to obtain the results.

Mr. President, in view of the importance of this entire subject, I ask unanimous consent that a summary of the study which has been distributed by the Pension Research Council, be printed in the RECORD.

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

THE FIRST NATIONWIDE STUDY OF BENEFIT SECURITY UNDER PRIVATE PENSION PLANS IN THE UNITED STATES—A SUMMARY OF A BOOK STATUS OF FUNDING UNDER PRIVATE PENSION PLANS

(By Frank L. Griffin, Jr., Vice President and Actuary, The Wyatt Company and C. L. Trowbridge, Vice President and Chief Actuary, Bankers Life Company, and published by Richard D. Irwin, Inc. for The Pension Research Council, Wharton School of Finance and Commerce, University of Pennsylvania, May 1969)

BACKGROUND

The Pension Research Council has had a long and continuing interest in the security of the legitimate benefit expectations of participants in private pension plans. In 1958, it initiated a five-year study of the legal, financial, actuarial and regulatory environment in which private pension plans operate and in an effort to assess in a general way the prospects that the benefit expectations of pension plan participants would be realized. This study resulted in the publication of five volumes. The general conclusion of the study was that there were elements in the overall pension environment that could lead to the nonfulfillment of pension promises. The emphasis was on the conditions that *could* lead to frustration of benefit expectations rather than the development of statistical or other evidence that benefit expectations were, in fact, being frustrated. Especial concern was expressed that employers and other plan sponsors might not be following financial practices that employers and other plan sponsors obligations.

The questions raised in the study were disturbing to many persons associated with the private pension movement, some of whom sought to develop objective evidence that would either substantiate the concerns expressed in the study or show them to be groundless. In an effort to shed light on the vital area of funding, Frank L. Griffin, Jr., vice president of The Wyatt Company in charge of its Chicago office and an internationally recognized expert on pension plans, examined the relationship between the assets and the actuarial liabilities of the pension plans serviced by his office that has been in process of funding for ten years or more. The results of his investigation, which showed an eminently satisfactory level of funding, were presented in a paper before the 1964 Annual Meeting of the Conference of Actuaries in Public Practice. More important than the specific findings of this limited investigation was the methodology developed by Mr. Griffin to measure the funding progress of the plans included in his survey. He computed the market value of the pension plan assets and expressed it as a percentage of single sum value of the accrued benefits. He termed this relationship the "benefit security ratio."

The Pension Research Council quickly sensed that application of the Griffin methodology to a representative sample of the private pension universe could provide meaningful insights into the financial aspects of benefit security and serve as a fitting sequel to the Council's earlier study of the qualitative elements of pension security. Mr. Griffin, whose firm is identified with trust fund plans, was consulted about such a study and ultimately agreed to undertake the more extensive investigation if a suitable representative of the life insurance companies could be persuaded to serve as codirector of the study. Charles L. Trowbridge, vice president and chief actuary of Bankers Life Company and author of classic actuarial papers on pension funding, consented to collaborate with Mr. Griffin, and the project was underway.

The study was limited to nongovernmental plans in process of funding for ten years or more and covering at least twenty-five employees. These constraints were adopted in order to keep the number of cases within manageable bounds and to exclude those plans which on any reasonable standard of funding could not be expected to have funded in full, or in substantial part, the initial supplemental liability.

The central item of information sought with respect to these plans was the actuarial value of the accrued benefits. These values, computed with rate factors representative of those being quoted at the time by the leading life insurance companies, were to be compared to the respective asset accumulations to derive the benefit security ratio (BSR) for each plan in the study and for various classifications of plans. This approach was based on the premise that the relationship as of any given date between the assets of a pension plan and the actuarial value of its accrued benefit obligations serves as the most relevant and easily understood measure of the security attaching to such benefit accruals as of that time. Furthermore, the approach makes possible valid comparisons on a reasonably uniform basis of the funding progress under plans having heterogeneous characteristics and employing diverse actuarial cost methods as a guide to funding policy. To make the results even more meaningful, Messrs. Griffin and Trowbridge developed some benchmarks, arbitrary but realistic, that indicate at various durations the level of funding that might obtain under typical patterns of funding. As a further measure, plan assets were compared to the actuarial value of *vested* accrued benefits, the relationship being referred to as the VBSR.

The raw materials for the study were in the files of the actuarial consulting firms and life insurance companies that service the plans involved. Thus, it was necessary to enlist the cooperation of these firms. An appeal to participate in the project went out to the consulting firms and life insurance companies believed to be associated with the bulk of the plans falling within the purview of the study. Many found it impossible or impracticable to participate because of the demands that would be placed upon their technical staff, already overburdened with their normal operating responsibilities. Several life insurance companies were unable to provide information concerning pension plans funded through individual life insurance or annuity contracts, which by their structure normally generate an adequate level of funding. A few firms refused to participate because of reservations about the value of the study or the methodology to be employed. Ultimately, twenty-two consulting firms and eleven life insurance companies submitted data for the study. These organizations are listed immediately preceding this Foreword.

In order to broaden the base of participation and to identify subgroups of plans that might lend themselves to sampling, the data gathering was divided into two phases. The first phase sought information of a general nature that would give a clear profile of the plans under study and that could be supplied with minimum effort by the cooperating firms. This phase, which was virtually completed by the end of 1966, produced data on 3,983 plans, in all size categories and with the full range of relevant characteristics. These plans accounted for more than 9 million participants, about 44 percent of the estimated coverage of plans in existence for ten years or more at the time of reporting. Phase I submissions were received for approximately one half of the plans in the universe having 5,000 or more participants, ranging down to about one tenth of the plans covering between twenty-five and 100 participants. There was underrepresentation of collectively bargained multi-employer plans and the smaller (fewer than 100 participants) single-employer plans.

The second phase called for special actuarial valuations and other data that could be provided only at great expense and inconvenience to the cooperating organizations. To minimize the work and expense involved, Phase II information was sought for only a sample of the Phase I plans rather than for all. Participating firms were asked to submit the requested information with respect to all plans covering 5,000 or more employees, one half of the plans covering 500 to 4,999 employees, and one fourth of the plans covering fewer than 500 employees, the plans for the sample being selected at random. The sampling procedure followed was expected to produce a sample of 1,161 plans, when account was taken of the fact that a few firms which had supplied data for the first phase of the study had given notice that they would not be able to furnish the Phase II data. For various reasons, special valutions could not be carried out for some of these plans and Phase II data were eventually received for 1,047 plans, covering a total of 4,562,000 employees. The coverage of these plans amounted to approximately one fourth of the universe. The second phase of the data gathering was concluded by the end of 1967.

Verification and analysis of the data began long before the final Phase II reports had been submitted. A summary of the principal findings was made available to the Pension Research Council in April, 1968. In recognition of the intense interest of business and governmental groups in the study, the Council authorized dissemination of the summary findings prior to publication of the full report. A preliminary draft of the complete report was reviewed by the Council at its October, 1968, meeting, and the final manuscript sent to the printer in late November, 1968.

The study was underwritten in part by a grant of $169,500 from the Social Security Administration. The participating firms and the Pension Research Council absorbed the remaining cost. The aggregate cost of the study is estimated at a half-million dollars.

THE BASIC CONCEPTS

The funding inquiry was conducted in terms of the relationship between the value of existing pension plan assets and the funds which would be required to provide accrued pension benefits in full.

What has been termed the "Benefit Security Ratio" (BSR) is the ratio of the asset value to the value of *all* accrued pension benefits. A BSR of 100 percent (or more) indicates that in event of current plan termination a plan's accrued benefits are fully provided for. Security ratios were also determined with respect to that portion of the accrued benefits which are *vested*. The latter measure has been termed the "Vested Benefit Security Ratio "(VBSR).

It should be stressed that the above measurements produce absolute values which do not take into account the time required to effect full funding of past-service costs. High benefit security ratios should not be expected until a plan has been in process of funding for a considerable number of years, since substantial past-service pension costs must be amortized over extended periods of time and since most plans are subject to updating of benefits from time to time.

Therefore, in addition to the BSR and VBSR measurements of benefit security, the study introduces a measurement of funding *progress* in relation to the effective period

of past funding. Here the concept is a security ratio "benchmark" which moves toward 100 percent over a period of years. The benchmarks developed by the authors reflect funding levels that might be expected under typical funding procedures and employment patterns, and are compared with the security ratios actually achieved at each funding duration by the plans in the study.

FINDINGS

In terms of benefit security ratios

Overall, for the 1,047 plans in Part II of the study, aggregate asset values of $22.2 billions (market values) compare with a value of accrued benefits also totaling $22.2 billions,* and with a total value of *vested* accrued benefits of $18.0 billions.

To allow for the fact that excess assets under some plans are not available to cover benefits under other plans, an adjusted security ratio was computed for each individual plan. This adjusted ratio, limited to a maximum of 100 percent for any plan, forms the basis of the principal tables. By this means of adjustment, a security ratio of 100 percent cannot be reached by any grouping of plans unless *every* plan in the grouping has achieved a 100 percent ratio.

TABLE I.—AVERAGE SECURITY RATIOS BY EFFECTIVE PERIOD OF PAST FUNDING

[In percent]

Effective period of past funding (years)	Weighted averages based on adjusted ratios [1]	
	BSR	VBSR
Less than 10 [2]	62.4	68.3
10 to 14	86.6	94.1
15 to 19	95.9	98.2
20 to 24	94.8	99.2
25 to 29	97.4	99.2
30 or more	[3] 89.6	99.9
All periods combined	84.9	90.2

[1] Individual plan ratios limited to a maximum of 100 percent and weighted in the averages by the value of accrued (or vested) benefits. These ratios are indicative of overall benefit security reached, but not of the ratios achieved by individual plans.
[2] All plans in this grouping have been in process of funding for at least 10 years.
[3] Excluding the 1 large case referred to in the preceding paragraph, this ratio is 99.5 percent.

Some of the basic results are shown in the table 1. Except for a deviation from trend caused by one large plan at a high funding duration, there is a steady progression upward of the average security ratios.

A rather high level of security appears to have been reached by the 15th year of effective funding (which would correspond to a somewhat longer period of actual funding, as noted earlier). This is a significant funding accomplishment. One reason, of course, why so high a level of security has been reached over so short a period as 15 years is the fact that this country has passed through two decades of rising interest rates. This means that pension contributions have, on the whole, been computed on more conservative interest assumptions than the yields on which it is currently proper to base the value of accrued benefits. Looking to the future, one should not expect the same accomplishment over a corresponding period of observation occurring at a different phase of the investment cycle.

A significant feature of the study is the dispersion of results about the averages, a circumstance resulting from a considerable number of factors which vary between plans. These factors include:

First, the extent of the past-service benefits under the particular plan, which affects the period over which it is practicable to amortize all accrued benefit costs;

Second, the existence or nonexistence of bargaining under the particular plan, which frequently bears on the amortization period selected for past-service costs;

Third, the age distribution of participants, which affects the rate at which a given level of funding will develop a high security ratio;

Fourth, the extent of recent benefit liberalizations, which have a dampening effect on the progress of security ratios, and

Fifth, other circumstances peculiar to the company or industry, particularly those relating to benefit and financing objectives.

One way of viewing the dispersion of results is to examine separately the upper one-third, middle one-third, and lower one-third, respectively, of the plans in a given category. For all plans at funding durations 15 years and higher, the following table illustrates the spread in values.

TABLE 2.—PLANS WITH EFFECTIVE FUNDING PERIODS OF 15 YEARS OR MORE

	Average BSR (percent) [1]
Upper ⅓	[2] 140
Middle ⅓	[2] 116
Lower ⅓	86

[1] The weighted average of unadjusted individual plan ratios.
[2] All over 100 percent.

Over 70 percent of the plans in the above category have benefit security ratios in excess of 100 percent. This is a considerably higher proportion of 100 percent. This is a considerably higher proportion of plans than would have been expected to have achieved full funding of accrued benefits at the funding durations represented. The result must be attributed both to favorable investment experience and conservative funding practices of the past.

IN TERMS OF FUNDING BENCHMARKS

To reflect the degree of funding progress in relation to the effective period of funding, comparisons were made with two benchmarks. Ninety-four percent of all plans were found to be ahead of one of the benchmarks selected and about 90 percent were ahead of the other.

The significance of the proportions of plans thus found to be ahead of schedule can more readily be appreciated when it is considered that if average security ratios fell on the benchmark at all durations, only about half of the plans would be expected to exceed it.

TABLE 3.—PROPORTION OF PLANS HAVING SECURITY RATIOS ABOVE THE FUNDING BENCHMARK—PLANS AT ALL FUNDING DURATIONS STUDIED

[In percent]

	Based on—	
	Benchmark 1	Benchmark 2
By plans	94.0	89.5
By benefit values	93.5	90.6

EXTENT OF VESTING

The plans in part II of the study were classified into three groups according to liberality of vesting provisions. Those conferring vesting essentially after 10 years of service or participation were designated "early" vesting; those conferring vesting after more than 20 years of service were designated "intermediate" vesting. The percentages of plans and of vested benefit values in each class, and the proportion of the total benefit values which were vested, were found to be as follows:

TABLE 4.—VESTING SUMMARY

[In percent]

Vesting classification	Plans	Distribution of vested benefit values	Proportion of total benefit values which are vested
Early	27.3	50.6	91.4
Intermediate	41.9	37.1	83.3
Late	30.8	12.3	51.3
Total	100.0	100.0	80.7

It is clear that on the average the larger plans have more liberal vesting than smaller plans.

SUMMARY OF PRINCIPAL CONCLUSIONS

The most significant findings of the study are the following:

First, benefit security in terms of the measurements employed in this study is extremely high in relation to the periods during which funding has been under way. For plans with effective periods of funding of 15 or more years, the average security ratios were 94 percent (for all accrued benefits) and 99 percent (for vested accrued benefits). Single-employer plans enjoyed higher ratios than multi-employer plans.

Second, over 90 percent of all plans were ahead of where they might reasonably be expected to be in relation to the time they had been in process of funding.

Third, approximately half of the participants and benefit values were found to be under plans with "early" vesting (essentially after 10 years of service). Another one-third were found under plans classified as having "intermediate" vesting, the balance of one-sixth having "late" period. A significant secondary finding, however, was that the larger plans tend to have the most liberal vesting. This means that a relatively low percentage of the smaller plans have "early" vesting.

Fourth, 81 percent of the values of all accrued benefits were vested (the percentage of benefits vested or of participants enjoying full vesting would be lower). The figures indicate a reasonably advanced stage in the evolution of vesting, with liberalizations continuing to occur as other benefit priorities are satisfied.

In the opinion of the authors the principal message to be found in the results of this study is the clear evidence that during the past several decades, while the climate has been favorable to the independent development of private plans, these plans have responded with a remarkable health growth, both in the evolution of benefits and benefit forms and in the enhancement of employee security through sound financing.

This study also demonstrates a tremendous diversity in the private pension field. Unions and employers, operating on the basis of free bargaining and independent judgment, have arrived at decisions leading to the adoption of a wide variety of plan provisions and funding policies adapted to their special requirements. Since requirements vary from one industry to another and from company to company, there seems little doubt that diversity rather than uniformity should be encouraged.

*The close correspondence with total asset values is of course accidental.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11069) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, with statements therein to be limited to 3 minutes.

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

JUVENILE DELINQUENCY PREVENTION ACT—STATEMENT OF SENATOR DODD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the request of the distinguished Senator from Connecticut (Mr. DODD), that a statement prepared by the Senator from Connecticut on the Juvenile Delinquency Control Act be printed in the RECORD.

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

STATEMENT BY SENATOR DODD

After a year of delay we have at long last taken the first step in the implementation of the Juvenile Delinquency Control Act passed by the Congress in August, 1968.

On Saturday, June 28, 1969, the office of Health, Education, and Welfare announced the awarding of grants to the States to begin a new phase in our fight against delinquency. I am pleased that the State of Connecticut has received two grants, $50,000 for planning and a sum as yet to be determined for the Juvenile Court in Bridgeport.

It is right that those of us who have been working in this field for so long should feel a sense of relief that we are finally beginning to move. However, it is only a beginning and a very small beginning at that.

In fact, several weeks ago, in studying the progress of this legislation, I was forced to conclude that while the law was almost a year old, *it had failed to prevent one single delinquent act or even help one single delinquent in this country.*

One reason for this failure is the fact that the funding authorized under the Act has been critically curtailed by Congress. Instead of the $25,000,000 authorized in the bill, we appropriated only $5,000,000. Furthermore, the distribution of these meager funds was not facilitated as quickly as one might have hoped. As a result, early this year I began receiving complaints from various parts of the country, from correctional administrators, and from professional organizations involved in crime control, regarding the inaction with respect to this new juvenile delinquency law.

Based on these complaints, I introduced an amendment on May 27 of this year to facilitate the funding of state programs under the law and I asked officials of the Department of Health, Education, and Welfare to meet with me personally to see if we could expedite the release of funds to the states and local governments.

I met with representatives of the Department of Health, Education, and Welfare on June 19th and received assurance that the funds would be disbursed by the end of the fiscal year. I am gratified to be able to report that the funds were disbursed last Saturday, and I am hopeful that the operation of the Juvenile Delinquency Act can proceed at an expanded rate from now on.

I appreciate the cooperation of the Department of Health, Education, and Welfare in this matter. At the same time, we all must realize that this year's efforts amount to a mere drop in the bucket.

We must expand this effort to suppress the growing delinquency and crime menace facing this Nation.

We must take measures to insure that the funding under this law is increased over the next two years. We must take whatever action is necessary to make certain that the monies authorized reach the state and local delinquency control programs at the earliest possible time.

We must not kill this important legislation by reason of our miserliness and inaction.

I want to reaffirm today that I, for one, will spare no effort to keep this law alive and to increase its effectiveness for the eradication of the juvenile lawlessness and violence which is spreading across America today.

A USEFUL BRAKE

Mr. CHURCH. Mr. President, in passing Senate Resolution 85, the national commitments resolution, by an overwhelming majority on June 25, we served notice upon the executive branch of the Government that the Senate intends to reassert its constitutional authority in the realm of foreign policy.

It is too soon to know what restraining influence this notice may have upon the actions of the Executive. In the press, however, the immediate reaction is mainly a favorable one. I should like to cite two articles which appeared in newspapers on June 29. One is a New York Times editorial, which states in part:

If the resolution has the effect of warning Mr. Nixon and his successors against repeating the terrible mistake of allowing such commitments to exceed the willingness of the American public to sustain them, then the action will have served as a useful brake on Presidential impetuosity.

Similar approval is expressed in the other article, which appeared in the Akron, Ohio, Beacon Journal and is written by John S. Knight, president and editor.

I ask unanimous consent, Mr. President, to have both the editorial and the article by Mr. Knight printed in the RECORD.

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

[From the New York Times, June 29, 1969]

UPRISING IN THE SENATE

The Senate has endeavored by resolution to regain a little of the ground it has yielded to Presidents in the field of foreign policy over the last half-century. But the rebellion is milder than the 70-to-16 vote would indicate. What the resolution attempts is no more than a fresh definition of "national commitment," so that Chief Executives will feel less at liberty than heretofore to make unilateral pledges that might eventually have to be honored by military action.

If the resolution has the effect of warning Mr. Nixon and his successors against repeating the terrible mistake of allowing such commitments to exceed the willingness of the American public to sustain them, then the action will have served as a useful brake on Presidential impetuosity. But it is naive to suppose that by itself it will seriously arrest the drift toward executive control of foreign policy, which Senator Church of Idaho rightly contends has grown at the expense of Congress ever since the turn of the century.

There are historic reasons why the dictum is no longer true that, in Professor Corwin's graphic phrase, "the Constitution is an invitation to struggle for the privilege of directing American foreign policy." In the first century of its history the United States was not a world power, it did not have vital interests around the globe and, more important, no nations outside the American Continents depended on its aid and protection.

Certainly changed circumstances do not negate the foreign policy obligations laid down for the Senate in the Constitution. But the enormous complexity of global politics has inevitably widened the gap between policy making, a duty assigned to the President in the first place, and advice and consent concerning treaties, the function specifically assigned to the Senate, along with that of declaring war, which it shares with the House.

In a more immediate sense, the *blitzkrieg* and the consequent decline of old-time diplomacy have confronted modern Presidents with the necessity of making immediate and far-reaching decisions. They must act with a speed undreamed of in the days when countries broke off relations, served ultimatums, and performed other such rituals before sending even a platoon across the border, much less a missile capable of destroying half a nation. In the event of war today no one doubts that Congress, caught up in the emotions of the crisis, will unhesitatingly follow the President's lead in any case, in effect surrendering its Constitutional role with respect to war.

We hope that the Senate's limited resolution will have the useful psychological effect that it evidently was intended to have. But if Senator Fulbright and his colleagues really expect to alter the Executive-legislative balance in this all-important field, they will have to evolve a more fundamental approach, one for example that provides in some way for a close working relationship between the Senate Foreign Relations Committee and the White House. But the American form of government cannot count on the kind of mutual support in foreign policy automatically enjoyed by the two branches—ministerial and legislative—of a parliamentary government.

[From the Akron (Ohio) Beacon-Journal, June 29, 1969]

SENATE OVERDUE IN CURBING PRESIDENTS

(By John S. Knight)

The United States Senate, by a vote of 70 to 16, has sought to curb presidential power in making national commitments to foreign nations.

Sen. Frank Church (D.-Idaho), author of the "National Commitments Resolution," declared that Congress is supposed to have the power to declare war. "But the last two wars in Korea and Vietnam," Church stated, "have been Presidential wars. This is not what the Constitution intended."

Sen. Church's resolution affirms that it is "the sense of the Senate that a national commitment results only from affirmative action taken by the legislative and executive branches of the U. S. government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment."

We applaud the Senate for its action. While the resolution will not actually "tie the President's hands," as Sen. Everett Dirksen avers, it is a warning that Congress no longer intends to accept Presidential dictum without question.

Had the honorable members of the Senate been as concerned in the early stages of our Vietnam involvement, much of the useless slaughter in that unhappy land could have been prevented.

Modern American history is replete with examples of Presidential commitments. Franklin D. Roosevelt brought us nearer to World War II when he traded 50 U. S. destroyers to England for air bases.

President Truman forced the Korean issue

in 1950 with hurried approval of the United Nations. President Eisenhower ordered Marines into Lebanon in 1958. President Johnson used the Marines to restore order and protect American lives in the Dominican Republic. Intervention in Latin America and "gunboat diplomacy" go back to the days of President McKinley.

The United States gave financial support to French colonialism in Indochina during the Truman administration. President Eisenhower provided technical assistance to the newly formed South Vietnam in 1954, President Kennedy increased this aid together with military personnel, President Johnson made Vietnam a major war.

In a world where U.S. military strength no longer has predominance, it is idle to prate of "Teddy" Roosevelt and how he would have disposed of our enemies.

Our danger lies in giving a President unlimited power, in not challenging policies which could lead to other Vietnams and ultimate disaster.

Majority leader Mike Mansfield explains that the Church resolution is an attempt to "seek an accommodation, a partnership with the executive branch, not diluting of the President's authority."

Sen. Mansfield calls talk of tying the President's hands as "nothing but a lot of balderdash." The Senator says we are "trying to strengthen the President's hand, not weaken it, and at the same time, insure our greater voice in national affairs."

President Nixon and Sen. Dirksen, his unpredictable minority leader, should welcome such evidence of Congressional responsibility, not reject it out of hand.

Americans are disillusioned by the Vietnam war, and weary of world saving "commitments" in any form.

The Senate's action will serve to restore a measure of balance between the White House and the Congress.

It is a stern reminder to the President that consultation with Congressional leaders is a prerequisite to the formulation of foreign policy.

THE ROCKEFELLER ROADSHOW: A FATUOUS FAILURE

Mr. CHURCH. Mr. President, mercifully, the first three acts of Rockefeller's Latin American roadshow are over. From the opening curtain, the show has played to a hostile theater, made up of unresponsive politicians occupying the half-filled boxes, and a raucous chorus of hoots and catcalls from the rowdy galleries.

Better had the Governor never left Broadway. With the curtain rung down on him by Peru, Venezuela, and Chile, with rioting in the aisles in Ecuador and Colombia, Rockefeller found himself confined to the wings in Bolivia and Uruguay, surrounded by a heavily armed guard in Brazil, and greeted by the fiery destruction of American-owned supermarkets in Argentina.

The rude reception given the Governor is no reflection against the man, but rather a reaction against the diplomatic misadventure upon which he is embarked. At this late date, a listen-and-learn mission to Latin America must be regarded as some kind of charade. The age of Marco Polo is long gone. Mr. Rockefeller cannot possibly bring back exciting new revelations about the mysterious lands which lie to the south. They have been probed to death by American diplomats, businessmen, visiting professors, foreign aid specialists, CIA operatives, and military technicians, who swarm over Latin America like a horde of locusts.

Little wonder, then, that the people of Latin America grow weary, or that they should regard the Rockefeller trip as but another instance of our penchant for patronizing our neighbors. The truth is that our relations with Latin America are in disarray. The Nixon administration has yet to devise a policy to deal with the deterioration. Rockefeller's odyssey was hit upon as a diversionary tactic. It was meant to buy time; instead, it bought trouble. It was intended as a public relations caper to improve our image in Latin America; instead, it has advertised to the world the depth and breadth of the bitter feeling in Latin America toward the United States.

As the editors conclude in the latest issue of Commonweal, the Rockefeller mission embodies all of the worst features of diplomatic ineptitude: "showy, superficial and totally insensitive to the moods of Latin America."

The "moods" of which the editors speak are reflected in an angry article published in the same issue. It is written by Marcio Moreira Alves, a Brazilian journalist and ex-Congressman, now living in exile in Chile, who describes the Rockefeller safari as "a tremendous defeat" for American diplomacy. The article, entitled, "Wrong Man, Wrong Time, Wrong Mission" is "must" reading for every Senator who wants a better understanding of why the United States is so disliked by so many in Latin America.

Accordingly, Mr. President, 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:

WRONG MAN, WRONG TIME, WRONG MISSION

(By Marcio Moreira Alves)

If President Nixon has his way, the Rockefeller mission to Latin America will proceed to its bloody end, for, having lost any political aim it might have had, it became a contest of endurance and an affirmation of courage that leaves no place for the advice of most governments concerned against the unwanted proconsul's tour. It must be said, for the Governor's benefit, that King Midas himself, wrapped in gold but waving the Stars and Stripes, would have met with the same reception. This, however, does not excuse the blunder which the nomination was in the first place. President Nixon showed, choosing Mr. Rockefeller, the same political adroitness the West German government would have if it sent Herr Joseph Goebbels, Jr., as ambassador to Israel. Nothing personal, of course.

No one doubts Mr. Rockefeller's knowledge of Latin American affairs. He is an old hand in the Continent and must know his way around quite well, for his personal investments in the provinces are huge and varied. His happy nature, fixed smile and command of Spanish also make him a simpatico visitor—if human qualities are important for this sort of mission. The trouble is the name. No other is more related in the minds of Latin Americans to American imperialism. Rockefeller means oil; oil means exploitation. (A particularly morbid joke making the rounds of Santiago these days says the mission must go on, as the large consumption of Molotov cocktails it brings about increases the profits of Standard Oil.)

All this must have been known to the State Department or, at least, to the CIA, but was overshadowed by other considerations President Nixon must have had in mind when he made his choice. Brazil's ex-dictator Getulio Vargas had a political motto: the best way to demoralize an opponent is to appoint him minister. Who knows if Vargas' motto hasn't been incorporated into American party politics?

What were the objectives of Mr. Rockefeller's mission? Implicitly, it was to gain time, which the new administration would supposedly use for establishing a Latin American policy. This had not yet been proposed in view of the inferior priority the Continent has among U.S. world problems. Explicitly, it was a "fact-finding" and a prestige mission. The timing and schedule were particularly ill chosen. The Rockefeller task force took off right after the CECLA (Coordinating Economic Commission for Latin America) meeting, in Viña del Mar, Chile. The foreign ministers of the most important Latin American countries signed a statement there on what their governments thought were the most urgent problems they had with the United States. It is a fact that these ministers do not speak for most of their peoples, but it is presumed that they all speak for their administrations.

It is highly doubtful if there is anything to be known about Latin America which is not already found in the State Department's files and Pentagon computers or stored in American university libraries. The economic ills of each and all countries have long been debated at an unending string of ineffectual conferences, which stretch from the launching of the Alliance for Progress, in Punta del Este, to last year's II UNCTAD conference in New Delhi. The social conditions of the Continent's great masses have also been the subject of countless academic studies, sociological publications and political statements. The political systems prevailing in most countries were brought about or are being maintained by American policy and would hardly be "discovered" now by the flying visitors.

With no facts to find, we are left with prestige as the mission's goal. Latin American governments have, for some time, felt orphans of Washington's attention. The Fidel Castro scare was replaced by the more real and dreary realities of Vietnam and the Middle East. The Alliance for Progress' funds, never great, dwindled to a trickle insufficient even for a Bolivian general's thirst. American public money, welcomed by the dominant classes as soon as they realized that the social reform aims stated at Punta del Este were only for the record's sake, became offensively scarce. Perhaps Mr. Rockefeller would bring back some hopes of straightening out this sad state of affairs? Maybe this hope was behind the only enthusiastic public welcome he got, when Nicaragua's Anastacio Somoza called him "friend, philanthropist and diplomat." But, if the visit was meant to be a classical Latin American "face-saving" enterprise, why a jet-set schedule?

No one is greatly flattered if an important visitor drops in, followed by a horde of architects, plumbers, pediatricians, psychologists and behavior technicians and says: "Hi, fellows! We are very much interested in the state of your house and family, but we can only stay for ten minutes, as we have to see your neighbors too." This sort of approach goes down even worse with governments. True, the mission tried to sell the idea of American efficiency even to the point of including IBM's president. But, for all its efficiency and the magic which Latin America's presidents might see in U.S. technology and Apollo 10, a stay of 22 hours in a country, slashed to 130 minutes in a Bolivian airport, might still be regarded as a slightly hasty trip.

Up to now, only official reactions have been considered. What about popular reaction, re-

sponsible for dropping Venezuela from the program, or combined reaction, responsible for avoiding Peru?

In the case of the Alvarado regime, the military gathered popular support for their take-over by quickly acting on the International Petroleum Company problem. IPC is a susidiary of the Standard Oil of New Jersey and its legal claims for exploiting the Peruvian concessions were thin. Nevertheless, the company got full backing from the State Department, complete with threats of applying the Hickenlooper Amendment, the suspension of sugar quotas and whatever other pressure the American government could muster. This came as a blessing to the Peruvian generals. From there on, they found a new reason to exist and control power. What's more: they are building a model that is quickly making the rounds of Latin America's barracks: that of an anti-imperialistic military dictatorship.

A military coup d'état used to have a recipe as simple as a jelly pudding. Once a populist civilian government was no longer able to mediate between popular needs and the dominant classes' privileges, of which foreign interests are part, the military would step in to save the country from Communism and corruption. They acted not only from greed for power, but, according to the rules of the "internal aggression" theory they had learned from the Pentagon, as a justification for the maintenance of large and expensive armies in a Continent where a war is unlikely. The "internal aggression" theory has been taught, by American inspiration, in all war colleges of the Continent since the Cold War started. It states that an armed struggle between the Russian-Communist bloc and the Christian-Democratic world is inevitable. As Latin-American armies are too weak to take a front-line part in it, their double contribution is expected to be: unconditional loyalty to the leader of the Christian-Democratic civilization, the United States, and control of their own countries, which might be subjected to "internal communist aggression."

TOMORROW'S MILITARY TOTEM

All Manichean doctrines are very comfortable, but this one began to leak when the U.S.-USSR love-affair became too obvious. Castroism and Maoism are the revamped, but less glamorous devils of today. Anti-imperialism may be the military totem of tomorrow. An indication of this lies in the incorporation of the aloof air-force brass in the Alvarado regime after his Columbus' egg was discovered. They are now happy as birds, having found a practical use for their brand new "Mirage" bombers: buzzing American fishing boats that invade their 200-mile territorial-waters limit.

The tardy discovery of their country's submission to American economic domination is the reason for the Peruvian military government's refusal to greet Mr. Nixon's ambassador. Students and workers all over the Continent arrived at the same knowledge long before. That is why they are willing to face police clubs, tear gas and bullets to express their hopes of freedom and desires for change.

Americans tend to react with a childish feeling of rejection against hostile worldwide public opinion. Individually, they are generally nice and candid, so they don't seem to realize why they are unwanted—with all their giant corporations, Marine battalions and free-enterprise ideology. Perhaps the weakness of the American Empire lies in not having built a strong "white man's burden" mentality in its citizens. This, of course, may also be its moral salvation, but there is hardly a place for a conscience in the dialectics of empire building. The British were far simpler. They were ruthless and happy, as long as the world's ransoms piled up in London.

Mr. Rockefeller is an American, if anything. His reactions to the violence his presence provoked were quite predictable: they ran from paternalism—when he said in Costa Rica that the "students had the civic impulse that will enable them to lead their communities in the future, but I came here to talk not to them, but to the people responsible for the governments of their countries"—to moral outrage, when he commented on the demonstration in Ecuador and its bill of six deaths, saying "it was a shame."

American public opinion is asking a few questions today: where is anti-Americanism stronger? Why the riots? What legitimacy do they have? There isn't, of course, any precise mechanism to measure anti-Americanism. A head count wouldn't do, for if it did Ecuador would, at this point, come out ahead, while in Colombia the riots were worse, despite only one dead among the 200 wounded. In Brazil, for instance, the repression of student and worker movements is normally so bloody that manifestations would probably be small—if Mr. Rockefeller ever gets there. That doesn't mean, however, that anti-American feelings are slight in the country. The same could be said of Argentina, where the permanent struggle against Ongania's regime doesn't leave any tactical space for special demonstrations in honor of visiting newsmen and ambassadors. On the other hand, in Uruguay and Chile, where the institutions allow a greater freedom of expression, the demonstrations would probably be immense and wild.

Are the visits legitimate? This is another difficult question to answer for legitimacy is a matter of very personal opinion. The best that can be done is a little "fact-finding" since this is apparently a fad.

Aid comes in the first place. If you speak of it to any knowing Latin American he will immediately scream for help. Why? According to the "Survey of Current Business" new American investments in Latin America from 1950 to 1965 amounted to $3.8 billion, permitting, together with old holdings, the transfer of $11.3 billion to the United States. And how is this drainage financed? One has only to quote Celso Furtado, a Brazilian exiled economist, now teaching at the Sorbonne: "In the period between 1958 and 1964 total investment of American subsidiary firms in Latin America amounted to 4.310 million dollars, of which 815 million was supplied by funds brought from the U.S. Latin American funds were twice as great as those from the U.S. However, the main source of financing were the subsidiaries themselves. If one has in mind that these subsidiaries distributed 42 percent of their benefits as dividends, the conclusion is that two-thirds of the funds imported from the U.S. could have been covered by local profits, which leads us to the acknowledgement that these firms could have financed 94 percent of their extraordinary expansion, independent of American funds."

The U.N. Economic Commission for Latin America (CEPAL) has hardly sweeter words for official aid. In a report submitted to the Viña del Mar Conference of Foreign Ministers, CEPAL says: "The special conditions that regulate American financial assistance, through AID, determine changes in the monetary and foreign trade policies of the Latin American countries which are discriminatory towards the rest of the world and should be regarded as offensive to the process of the Continent's economic integration."

BALANCING OUR DEFICIT

The fact is that the poor and hungry Continent is financing, to a very considerable extent, the United States' balance of payments deficit. But this is not all. There is also what the economist's jargon terms "deterioration of the terms of trade." Translated, this means that Latin America, and indeed all the Third World, sees the prices of the raw materials it exports progressively falling, while the prices of the machinery and manufactured goods it imports continuously rise at a still faster rate.

Last, but by all means not at all least, there is a psychological influence. What would an American think of the Germans if he rose in the morning to brush his teeth with Colgate, bathe with Palmolive, shave with Gillette, ride to town in a GM bus or a Ford, eat a Wilson hamburger with Borden's milk for lunch, work for Union Carbide or IBM, drawing a check from First National, buy a headache tablet from Parke-Davis and his baby's diapers from Johnson and, finally getting home, put on his GE TV set, using Light & Power electricity, to see a good old MGM movie on a *Time* and *Life* TV station, if all these companies were German? And, on top of all this, if he knew that any reaction to this teutonic invasion would promptly bring to New York the overwhelming forces of the Wehrmacht and the napalm bombs of the Luftwaffe, how Germanophile would he be? Not much, probably, even if he didn't care if it were the Germans that controlled 80 percent of his country's copper, as American firms do in Chile, almost all its bananas, as they do in Ecuador and Central America, a good part of its coffee exports, as in Colombia and Brazil, all of its oil, as in Venezuela, most of its fishing business and banks, as in Peru, and a considerable part of its meat, as in Argentina and Uruguay.

Mr. Rockefeller will, if he can, continue his Latin American safari. It will be against the opinion of most governments concerned, for not only are they reluctant to shoot their subjects on the streets and close down their universities, but they would rather deal as a bloc with the United States instead of bilaterally. Rockefeller's trip might only have a meaning now for U.S. internal political consumption. The results may be a few other student and worker scalps for the trophy room. For American diplomacy it is a tremendous defeat. For the liberation movements in an enslaved Continent, it may be the path to union.

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

Mr. CHURCH. I yield

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may have an additional 3 minutes, in order to have a colloquy on this subject.

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

Mr. JAVITS. Mr. President, I am not here to defend the Rockefeller mission. Nobody grieves more than I over the loss of life, the riots, and the problems which have surrounded these journeys.

But Governor Rockefeller is a distinguished public man. He made a great reputation when he was Coordinator of Inter-American Affairs. He certainly has made a great reputation in our State as a fine Governor. Therefore, I think, in fairness, two things should be said:

One is that many of the Latin American resentments over our relations with Latin America has come to the surface. I think it is a good thing as I think the people of the United States were more inclined to think about our neighbors to the south of us as picturesque Latin American cousins than to think about the enormous depth of poverty, want, difficulty, frustration, and anger which pervade so much of Latin America.

Second, I think, also, that it has been startlingly portrayed that most of Latin America is governed by dictatorships, generally military, about which the Senator from Idaho (Mr. CHURCH) and I, as members of the appropriate committee, have had longstanding concern.

So the fact that a lot of bad blood has boiled over may, in the long corridor of

history, be a good thing for them and us. But what concerns me is that a new policy for Latin America is absolutely essential.

Mr. CHURCH. I could not agree more.

Mr. JAVITS. President Nixon is our President, and he must be the person to formulate this new policy. Resolutions and commitments, notwithstanding, given the structure of our Government, it is quite a difficult thing for Congress to formulate a new program, even though sometimes Congress displays gifted initiative. Therefore, if President Nixon felt that a mission by Governor Rockefeller would give him what was needed in order to arrive at a new policy, does not the Senator think that, having gone through the agony we have—and I am not trying to gild the lily at all—perhaps the Governor will bring back some pertinent information which may induce and help the President to really arrive at a constructive policy.

Notwithstanding the Senator's feeling about this matter, I hope very much that we may call Governor Rockefeller before our subcommittee or perhaps the whole Foreign Relations Committee in due course, to hear what he has to say, to give him an opportunity to justify his mission, and to ascertain what he found out in the process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to have 2 additional minutes.

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

Mr. JAVITS. I would appreciate the comments of the Senator from Idaho.

Mr. CHURCH. Mr. President, first of all, let me say I certainly feel the committee should give attention to any recommendations Governor Rockefeller may make. I think the suggestion of the Senator that it would be appropriate to call the Governor before the Foreign Relations Committee is a worthy one.

Furthermore, as I tried to stress in my statement, my criticism of the mission has nothing to do with the man. I think any man sent on such a mission at this particular time would very likely have received much the same kind of treatment.

The mischief of the mission, it seems to me, is that it excited an eruption of resentment throughout Latin America. It became a lightning rod, so to speak, for all anti-American elements to exhibit to the entire world the depth and breadth of their resentment toward the United States. I doubt very much that the price we have paid is worth the candle, since we were already well aware of the conditions that exist in Latin America, and thoroughly apprised of the difficulties that face these countries. We have probed them exhaustively, with all of the agencies and aides we can send to Latin America.

I doubt that a flying visit by an American dignitary to Latin America can possibly result in new insights that were not already available to this administration. Indeed, I doubt that the Nixon administration even expects new insights from such a trip. It must have been the feeling that the trip might yield good public relations. It has produced bad public relations. It must have been the belief that it would buy us more time. I think it only bought us more trouble.

It was unfortunate that, when the trip got off to such an unpromising start, we did not recognize our mistake. By forcing this trip to its unwanted programmatic end. We have simply prolonged and compounded the trouble that has been incited.

Nevertheless, we will, of course, want to see Governor Rockefeller's recommendations. It is possible he may desire a hearing, in order to convey to us whatever observations he had an opportunity to make during the course of his mission.

I thank the Senator very much for his comment. I am, in the main, in agreement with what he has had to say. It is obvious that we do need fundamental changes in our policy toward the hemisphere.

Mr. JAVITS. Mr. President, I am grateful to my colleague. I add only one addendum. The trip may prove to be profitable.

Mr. YARBOROUGH. Mr. President, will the Senator from Idaho yield to me?

Mr. CHURCH. I yield.

Mr. YARBOROUGH. Mr. President, I was very much interested in hearing what the Senator from Idaho has said about Governor Rockefeller's mission in Latin America, which is not only a failure, but I think it is a disastrous tragedy for America.

I have great respect for Governor Rockefeller. I do not think he should be held responsible for it. He was sent on the mission by the administration. I have had people in my own State tell me that they warned the administration—I do not mean the President, but people down the line, who should have gotten the word to the President—that this would happen.

As the Senator from Idaho has so ably pointed out, the people of Latin America have been investigated and visited and supervised and commissioned and reported on so much that to come into a country and say that somebody is going to stay there for 3 hours and ascertain the conditions there is an insult to Latin America.

They regarded this as window dressing, a pure political visit for domestic purposes here, and they bitterly resented it. That information, I am advised by some people who have been in official positions around here—I am not at liberty to state their names—that this would happen if this mission were sent, was well known in advance. Despite that, they drafted Governor Rockefeller, one might say, and sent him into the lion's den, knowing this would happen.

I have great sympathy for Governor Rockefeller in his efforts to carry out an impossible mission that the responsible people must have known was foredoomed to failure. Its purpose—"I am going to look at you 2 or 3 hours, and tell you what your nation needs"—would be an insult to any nation.

This kind of thing can have disastrous consequences for us. I say again, I have great sympathy for Governor Rockefeller personally. I do not think he is responsible for what has happened. When one of the great, responsible Governors of this country is called upon by the President of the United States to perform a mission overseas, how can he say no to the President under such conditions? I feel that the administration should have been more sensitive to how people feel south of the border.

I believe that we in my State could have told the President. We live next door to Mexico, with a thousand-mile common border. The Mexicans are more tolerant toward us than the people of many nations. They would tell us kindly how they feel. They are not less sensitive than some of the other Latin American nations. Mexico has the largest Spanish-speaking population of any country in the world.

Mr. President, the administration should try to be more sensitive to how Latin American nations would feel, than to send a representative to look at a country 3 hours, and then attempt to tell them how to run their affairs and what is the matter with them.

Mr. CHURCH. I thank the Senator from Texas for his remarks.

BIG THICKET ASSOCIATION OF TEXAS ENDORSES 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, I am happy to announce that the Big Thicket Association for the first time has unequivocally endorsed my bill, S. 4, which calls for the establishment of a Big Thicket National Park of not less than 100,000 acres in southeast Texas. The officers and members of this association have worked long and hard to make the public fully aware of the unique qualities of this biological wonderland. Of the numerous plans and proposals which various groups have brought forward, I am gratified to see this association take this stand to protect at least 100,000 acres of this irreplaceable area.

On Saturday, June 14, 1969, I had the distinct pleasure of meeting with the Big Thicket Association at their fifth annual meeting in Saratoga, Tex.

The Big Thicket Association was formed years ago and includes members from all over Texas. Their primary objective is to preserve a part of the Big Thicket.

On that day, the members of the Big Thicket Association voted unanimously to adopt this resolution supporting my bill, S. 4, calling for a national park of at least 100,000 acres and urging its passage at the earliest possible moment.

Mr. President, this was the first time that the Big Thicket Association had ever endorsed the national park itself. It had endorsed the Big Thicket National Mounment proposal, to provide for a smaller recreational area. Now the Big Thicket Association has changed its course and, by a tremendous majority, has endorsed my national park bill. The members of the Big Thicket Association are people who live in the area, and who have worked for many years for recognition of the area and establishment there of a Federal recreational facility.

The annual meetings of the Big Thicket Association are historic occasions with helicopter tours of the Big

Thicket; tribal dancing by members of the Alabama-Coushatta Indian's Dogwood Dancing Team; a barbecue; a beauty pageant; addresses by local, State, and national officials; and numerous contests and other forms of entertainment.

This day was designated as "Dempsy Henley Day" in honor of the Honorable Dempsy Henley, chairman of the Texas Commission for Indian Affairs and former Mayor of Liberty, Tex. Mr. Henley has been president of the Big Thicket Association for the past 5 years, a position in which he has served with enthusiasm and dedication.

At the meeting of the board of directors and general membership, the members elected Mr. Charles Wilbanks, of Beaumont, Tex., as President, and Mr. Jim Hale of Hull-Daisetta, Tex., as first vice-president. Mrs. Osborne Hill, who has lived in the Big Thicket for most or all of her 90 years and is known as "Ma Thicket", was elected as a lifetime director.

Mr. President, I ask unanimous consent that the association's resolution of June 14, 1969, the association's nominations committee report listing the officers and directors of the association, and the program of the Big Thicket Association's fifth annual meeting be printed at this point in the RECORD.

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

RESOLUTION

Whereas the Big Thicket Association of Texas is a duly chartered non-profit organization dedicated to the preservation of the Big Thicket of Southeast Texas, and

Whereas the Big Thicket Association through its officers, directors and general membership has for several years worked diligently and tirelessly to publicize, advertise and effectively make the public aware of the Big Thicket and its rare value and the need for saving a portion of the Big Thicket, and

Whereas the Big Thicket Association was responsible for having many outstanding dignitaries, state and United States government officials take tours through the Big Thicket to become better acquainted and more fully aware of the unique botanical area, and thereby would become interested in helping preserve the Big Thicket, and

Whereas the Big Thicket Association sponsored such trips and journeys for U.S. Supreme Court Justice, William O. Douglas, U.S. Senator, Ralph Yarborough, U.S. Department of Interior, U.S. Park study committees, state of Texas Study Committee, and a host of clubs, groups and individuals, and

Whereas, the Big Thicket Association has been effective and successful in creating a public awareness of the Big Thicket and its uniqueness and national value, and

Whereas because of the efforts of the Big Thicket Association numerous clubs, organizations and the general public now support the idea of saving a portion of the Big Thicket of Southeast Texas, and

Whereas numerous clubs, organizations and individuals have now come to the aid of the Big Thicket Association and the members of the Big Thicket Association through this resolution wish to state that they are ready, willing and able to work with each and every organization and individual who is earnestly and conscientiously seeking to save and set aside portions of the Big Thicket for a State and National Park, and

Whereas numerous plans and propositions have been brought about by numerous groups and individuals, the Big Thicket Association wishes to state that it favors saving as much of the remaining Big Thicket as possible, and

Whereas there is a bill now in the U.S. Congress introduced by U.S. Senator Ralph Yarborough that the Big Thicket Association supports and urges the passage of said bill at the earliest possible moment, and

Whereas the Big Thicket Association realizes that time is of the essence in obtaining final approval and the actual creating of a Big Thicket National Park, it therefore urges and recommends that the Honorable Preston Smith, Governor of Texas appoint a Study Committee to look into the feasibility of the State of Texas creating a series of State Parks at the earliest possible moment.

Adopted this 14th day of June, 1969.

DEMPSY HENLEY,
President.

PEGGY REID FOSTER,
Secretary.

ANNUAL BIG THICKET GET-TOGETHER, JUNE 14, 1969

Nominations Committee Report:

OFFICERS

President Emeritus Chairman of the Board: Dempsy Henley.
President: Charles Wilbanks.
First Vice Pres.: Jim Hale.
Second Vice President: Dolly Hoffman.
Recording Secretary: Zoe Talley.
Membership Secretary: Peggy Foster.
Treasurer: Laura Mitchell.

BOARD OF DIRECTORS

Lance Rosier, Walter Coon, Mrs. Olive Bachman, Sam Partlow, Lois Parker, Dan Washburn, J. P. Youngblood, Marie Mitchell, Russel Long, Alice Cashen, John Casey, Willie Bean, Emmet Lack, Frances Johnson.

BIG THICKET ASSOCIATION

PROGRAM

Master of ceremonies, Dempsy Henley, Program Chairman, Gordon Baxter, radio, tv and book fame.

8:30 a.m. Annual meeting of Board of Directors and General Membership.

9:00 a.m. Coffee break. Premiere showing Big Thicket movie and slide presentation.

10:00 a.m. Arrival of trailriders. Helicopter tours of Big Thicket throughout the day. Art show, Big Thicket Museum open. Country western music by famous radio, tv and recording stars.

11:00 a.m. Presentation of Mr. and Mrs. Don Shook, producer and star of the new Big Thicket Musical from Fort Worth, Texas. Alabama-Coushatta Indian's Dogwood Dancing Team.

11:30 a.m. Introduction of dignitaries and officials. Speakers: U.S. Senator Ralph Yarborough, U.S. Congressman John Dowdy, Honorable Price Daniel, former Governor and U.S. Senator, Mr. Lud E. King, Jr., President Texas Forestry Ass'n., Senator Charles Wilson, Lufkin, Texas, Honorable Neal Pickett, Executive Director, Deep East Texas Development Association, Representative Don Adams, Representative Price Daniel, Jr., Honorable Jim Bowmer, U.S. Parks Board, Department of Interior officials. Officials, Texas Parks and Wildlife, Conservation Clubs and Organizations.

12:00 Big Thicket barbecue lunch and all the trimmings. Musical entertainment by various country and western groups.

1:15 p.m. Father Montondon, the singing Priest from Port Arthur. Rail-splitting contest, hog calling contest, horn blowing contest, old time fiddlers (outside platform).

2:30 p.m. Miss Big Thicket Pageant.

7:00 p.m. Til Big Thicket Hoot Owl hollers—old time country western dance—soft drinks—everyone welcome.

THERE IS A NEED TO HELP AIR TRAFFIC CONTROLLERS

Mr. YARBOROUGH. Mr. President, in recent years, as the airlines have become a very commonly used means of travel, the public has become acutely aware of the problems of the air traffic controllers. These men are responsible for the lives of millions of air travelers every day as they guide planes into airports across the Nation. We can all appreciate the tremendous mental and physical strain under which these men work.

I am proud to be a cosponsor of Senator HARTKE'S bill—S. 1026—which will help to improve the conditions under which these men work. I believe that enactment of this bill is imperative if we are to meet the rapidly increasing demand for efficient, well-trained air traffic controllers.

Mr. President, on Thursday, June 26, 1969, there was published in the Washington Post an article which thoroughly and lucidly explained the problems of the air traffic controllers and what must be done to solve them. I ask unanimous consent that this article written by Spencer Rich and entitled, "Air Controllers' Plight Is Recounted by Bailey," published in the Washington Post of Thursday, June 26, 1969, be printed in the RECORD at this point.

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

AIR CONTROLLER'S PLIGHT IS RECOUNTED BY BAILEY

(By Spencer Rich)

Famed criminal lawyer F. Lee Bailey yesterday pictured the Nation's air traffic controllers as tension-ridden Hamlets of the airways, weighed down of overwork and anxiety about the thousands of passengers' lives that depend on split-second control-tower decisions.

Bailey told the Senate Aviation Subcommittee that the "national crisis of air traffic," which threatens multiple tieups and relays at airports all over the country, cannot be solved unless there are massive new outlays for airfield improvements, development of computer systems to control air traffic, and substantially improved working conditions and training programs for the controllers themselves.

He denied that the Professional Air Traffic Controllers Association, of which he is executive director and general counsel, had organized last week's sudden wave of sick calls by controllers at several major airports.

The sick calls caused major slowdowns in air traffic in New York, Denver, Houston, Chicago and Honolulu. They ended after Bailey, following discussions with Transportation Secretary John A. Volpe and Federal Aviation Administrator John H. Shaffer, made a television appeal to the men.

Yesterday Bailey said the sick calls were really only a spontaneous reaction—by men whose working conditions were pressing them to the edge of their endurance—to a statement by Shaffer that the FAA had not, as yet, developed a formal proposal to give the controllers early retirement and other benefits that they are seeking. Shaffer also said controllers were pretty well paid—a remark Bailey said infuriated the controllers.

Bailey charged that despite promises from Volpe that there would be no reprisals, men who had participated in the sick calls were being yanked out of their control rooms by FAA supervisors for harsh questioning, with loss of status and other retaliation hinted

at. An aide said one man, Rex Campbell, had already been suspended for protesting an excessive and unsafe workload.

An FAA spokesman told a reporter later that the agency still had no formal proposals to improve controller benefits, but was favorably inclined toward early retirement and toward letting controllers switch over, after many years of top-tension work, to less exacting jobs, but without pay loss.

He also said the men were not being threatened, but merely questioned on whether they really had been sick; that Rex Campbell had not yet been suspended but notified of possible suspension in connection with an entirely unrelated matter (Bailey's group claims the matter is directly related); and that no decision by the FAA to stop the dues checkoff for Bailey's group had been announced, as implied during the hearing.

Bailey and other witnesses told the hearing that because of repeatedly working six days a week at FAA insistence, under conditions of terrific tension and responsibility, controllers tend to be ulcer-ridden, tense, frequently divorced and so "used up" by the work that they cannot keep up the pace efficiently after about age 40.

He criticized the FAA for 19 fatalities in a San Juan plane crash, saying it was giving a "green" man on-the-job controller training when the accident occurred, and it never should have been allowed.

The FAA has acknowledged an impending crisis, with large numbers of new controllers needed (air traffic employes must jump from 23,872 next year to 43,000 by 1980) and a vast expansion of airports. It has called for $5 billion, spending on improvements in airfields and $3.5 billion in terminals, but while the Administration's funding plan will raise $2.5 billion for years to be matched by the states and localities, it provides nothing for terminals (passenger buildings, restaurants, bars, etc.).

Other witnesses yesterday—like George Kriske of the Air Traffic Control Association, Sam Massell of Atlanta, speaking for the Conference of Mayors and National League of Cities, Austin Brough of the American Association of Airport Executives, and Karl Harr of the Aerospace Industries Association—echoed the need for huge outlays.

Massell said at least $14 billion will be needed over the next 10 years for new landing areas and terminal facilities.

Unlike some other witnesses, he said the need for terminal facilities was crucial, and Government aid should not be limited to non-terminal facilities.

Kriske said the capacity to handle passengers after they were off the plane, through improved terminal facilities, would become increasingly a critical problem as big jumbo jets with hundreds of passengers each began landing every few minutes at some major airports.

"It all boils down to a question of money, and where are we going to get it; that's what we have to figure out here," Subcommittee Chairman Warren Magnuson (D-Wash.) said several times.

APPOINTMENT OF QUALIFIED LAW-ENFORCEMENT OFFICERS AS U.S. MARSHALS

Mr. YARBOROUGH. Mr. President, the Texas Police Association recently held a meeting in Brownsville, Tex., at which the members passed a resolution pertaining to appointees to U.S. marshal posts.

This resolution urges that appointments to these posts be made from the ranks of qualified law-enforcement officers. I thoroughly agree with this position and I hope that President Nixon will take note of it when filling these very vital positions, as vacancies occur.

Mr. President, I ask unanimous consent that the resolution passed by the Texas Police Association at its annual conference on June 11, 1969, in Brownsville, Tex., be printed at this point in the RECORD.

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

RESOLUTION—TEXAS POLICE ASSOCIATION, JUNE 11, 1969

Whereas, it is the consensus of the members of the Texas Police Association that the best interests of law enforcement in our nation would be more effectively served by the appointment of individuals with experience in the law enforcement profession to the position of U.S. Marshal, and

Whereas, our able Senators from Texas, the Honorable John G. Tower and the Honorable Ralph W. Yarborough have previously recommended the nomination of peace officers with distinguished records for appointment as U.S. Marshal,

Now, therefore, be it resolved, that the members of the Texas Police Association assembled in Annual Conference at Brownsville, Texas this, the 11th day of June 1969, unanimously go on record as earnestly soliciting the President of the United States, the Honorable Richard M. Nixon, to consider only the appointment of qualified persons to these positions from the ranks of the law enforcement profession who have demonstrated their ability in this field.

Be it further resolved, that copies of this Resolution be forwarded to the Honorable John G. Tower and the Honorable Ralph W. Yarborough, the United States Senators from Texas.

THE ABM SYSTEM

Mr. NELSON. Mr. President, last year Congress appropriated $963.6 million for the Sentinel ABM.

During the course of the Senate debate two different justifications were offered by the proponents of the Sentinel system. The first was that it was necessary to protect our cities against an irrational Chinese attack. Later it was argued that the "thin" Sentinel was really going to be used as the beginning of a bigger, more massive system, an ABM to protect against a Soviet nuclear attack on our cities.

Shortly after the new administration took office, President Nixon sensed the mounting congressional and nationwide opposition to the deployment of the ABM around the cities and ordered a complete reevaluation of the system.

Following this examination, the President proposed a new system—the Safeguard ABM—which would be used to protect our land-based Minuteman missile sites.

Despite the fact that Congress has not yet given its approval to the new Safeguard program, the Department of Defense has been using moneys that were appropriated last year for the Sentinel ABM, to begin procuring components for the Safeguard ABM.

According to figures made available to my office by the General Accounting Office (GAO), the Department of Defense has committed almost $400 million from January 1 through the end of April on the Safeguard ABM. Of the total, $83.4 million was obligated during the period from early January through the end of February while the administration was conducting its review of the Sentinel system and busy developing the Safeguard substitute.

In addition, another $315 million has been committed since the administration decided to scrap the Sentinel for the new Safeguard in mid-March.

Perhaps the Congress will approve the Safeguard program later this year. But it is not a matter for the Pentagon to anticipate or speculate on Congress' decision on this matter.

It is the responsibility of the Congress to make the legislative decisions and for the Defense Department to carry them out.

The fact is that Congress has not debated or voted on the issue of deploying a Safeguard ABM. That issue is to be debated and voted up or down in the Senate during the month of July. Regardless of legal technicalities, it was not the intent of Congress that the ABM system authorized for a city defense could be unilaterally converted to a missile site defense.

The Washington Post on May 14 stated that Senator FULBRIGHT asked Deputy Secretary of Defense David Packard what would be done with the $346 million Congress appropriated last year for ABM procurement:

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

FULBRIGHT. "Good."

PACKARD. "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

FULBRIGHT. "Good. The program you are talking about now must await the authorization—is that right?"

PACKARD. "Yes."

In direct contradiction to that statement, Mr. Packard told newsmen on May 13, following another Senate committee appearance, that missiles and radars to be used in the proposed Safeguard ABM are being purchased with funds appropriated by Congress last year for the Sentinel system.

This is precisely the kind of contradictory stand that contributed to the serious loss of credibility of the previous administration with the American public and the Congress.

Mr. President, I ask unanimous consent that an article entitled, "Purchasing for ABM Has Already Started," published in the Washington Post of May 14, 1969, be printed at this point in the RECORD.

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

PURCHASING FOR ABM HAS ALREADY STARTED

Deputy Defense Secretary David Packard said yesterday that missiles and radars to be used in the proposed Safeguard antiballistic missile (ABM) system already are being bought even though Congress has not approved the controversial ABM.

He told newsmen the components were

being acquired with funds appropriated by Congress last year for the old Sentinel ABM systems. The disclosure appeared to contradict what Packard had told the Senate Disarmament Subcommittee last month—that Safeguard would not be built without specific authority from Congress.

"Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system," Packard said after he gave a private briefing to the Senate Armed Services Committee.

Although its mission was different, the abandoned Sentinel system would have used virtually the same kinds of radars, missiles and computers that President Nixon's proposed Safeguard system is to employ.

Consequently, the Defense Department—using funds authorized last year for Sentinel—is able to procure these components without specific authority from Congress.

Packard did not make clear how much money had been spent so far for ABM procurement.

Asked about it afterwards, Dr. John S. Foster, Jr., the Pentagon research chief, said the missiles were being acquired for research and development. But Packard a few minutes earlier had said they would "go into an actually deployed system."

In March, during the Disarmament Subcommittee hearings, Sen. J. W. Fulbright (D-Ark.) asked Packard what would be done with the $346 million Congress appropriated last year for ABM procurement.

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

Fulbright: "Good."

Packard: "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

Fulbright: "Good. The program you are talking about now must await the authorization—is that right?

Packard: "Yes."

Packard said his exchange with Fulbright involved only a pledge to stop acquiring ABM sites, not to halt the manufacture of parts for the system.

But Fulbright and Sen. Jacob K. Javits (R-N.Y.) said they thought it applied to all phases of the system except research and development.

"This is either a misrepresentation or he has changed his mind," Fulbright said.

Senate Democratic leader Mike Mansfield and Sen. John Sherman Cooper (R-Ky.) urged in Senate speeches that the Administration invite the Soviet Union to agree to a temporary freeze on the deployment of new strategic weapons, including ABMs, by both countries prior to formal arms control talks.

Mr. NELSON. Mr. President, in addition, one cannot help but wonder what kind of comprehensive review of the Sentinel ABM was actually taking place during the month of February when moneys were being obligated and purchases being made for components in the Safeguard system.

It seems to me that there ought to be an immediate freeze on all ABM spending. The Congress will shortly make a decision on whether or not to deploy the Safeguard system. For the Pentagon to continue to strain the patience of Congress by proceeding with production plans seems quite unwise to me.

In summation, I quote the testimony of Secretary Laird before the House Subcommittee on Appropriations held on May 22:

Under our Constitutional system, Congress shares the heavy burden of responsibility for our national security and for the decisions which in the final analysis could tip the scales for either war or peace.

It is the Congress which has the constitutional power to decide whether the Safeguard system shall be authorized. And it is the Congress which can deny the President the authority to go forward with the program or the funds needed to implement it.

Mr. President, I ask unanimous consent that a chart prepared by the GAO—"An Analysis of Funding for Development, Production, Installation of an Operational ABM System Through February 1969"—be printed in the RECORD.

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

ANALYSIS OF FUNDING FOR DEVELOPMENT, PRODUCTION, AND INSTALLATION OF AN OPERATIONAL ABM SYSTEM THROUGH FEB. 28, 1969

[In millions]

Appropriation	Appropriated			Obligated			Unobligated balances at Feb. 28, 1969
	Fiscal year 1968	Fiscal year 1969	Total	July 1, 1967, to Dec. 31, 1968	Jan. 1, 1969, to Feb. 28, 1969	Total	
Research, development, test, and evaluation [1]	$411.9	$312.9	$724.8	$600.9	$71.6	$672.5	$52.3
Procurement, equipment, and missiles, Army [1]	269.0	342.7	611.7	446.1	.6	446.7	165.0
Military construction, Army [1]	64.0	263.3	327.3	31.6	5.7	37.3	290.0
Operations and maintenance, Army	18.0	39.0	57.0	17.8	3.9	21.7	35.3
Military pay, Army		5.7	5.7	8.2	1.6	9.8	[2] −4.1
Total	762.9	963.6	1,726.5	1,104.6	83.4	1,188.0	538.5

[1] No-year appropriations, which are available for obligation until exhausted or the designated purpose is accomplished.
[2] We were advised by an official of the Office of the Assistant Secretary of Defense (Comptroller) that these funds for military pay, Army had been reprogramed from other line item accounts.

Mr. DOMINICK. Mr. President, an AP dispatch and a UPI dispatch state that the Senator from Wisconsin has accused the Department of Defense of illegally spending $400 million from funds appropriated for the discarded Sentinel missile defense system on the revamped Safeguard program.

Since I serve as a member of the Committee on Armed Services, and since we will be debating the Safeguard system, as well as the authorization, at some length in the coming weeks, it seems only proper to me that I try to make some response on behalf of myself and my colleagues.

Mr. President, first of all, in the last 3 years, to the best of my recollection, the Committee on Armed Services has authorized the expenditure of funds for research and development, for procurement, and for construction facilities for an ABM system, regardless what it may be called. In fiscal year 1968 Congress appropriated $379 million for research and development, for operation and maintenance, for procurement of equipment, and for military construction. In fiscal year 1969 Congress appropriated, by a vote of this body and the House of Representatives, a total of $963 million for the same purpose. A good deal of this money was not spent in either fiscal year 1968 or fiscal year 1969 but it has been used in the programing of long lead time electronic equipment and for the acquisition of perimeter radar. This money is largely in research and development and, as I have said, in acquisition of certain long lead time elements.

Secretary Laird emphasized on February 9, 1969, in his statements before the committee that there has been no slowdown on research and development, and there has been no slowdown as far as procurement of these types of items is concerned.

On February 13, Secretary Laird said:

The only thing that has been stopped is construction contracts. I want it understood that is the only thing that has been stopped.

It seems apparent to me from looking at the record that Congress has legally authorized and appropriated funds for the acquisition and the research and development of certain components of an ABM system; and that this administration stopped procurement of the construction sites around the cities which had been advocated under the Sentinel program, and that it is awaiting action by Congress to determine what it is going to do as far as expenditure under the Safeguard system for an ABM system to be primarily located in North Dakota and Montana, and for acquisition of sites later.

No money has been spent for military construction or the acquisition of those sites. It has, however, gone into the long leadtime items which we will need. It has gone into research and development, it has gone into long distance perimeter radar, and it has gone into certain items of that kind. This is not illegal; this is totally legal. This is part of the money which has already been authorized and appropriated.

It seemed only proper to me that as a member of the Committee on Armed Services I should make the record crystal clear on this particular point.

ONLY PEACE WILL ANSWER

Mr. CHURCH. Mr. President, recently I received a moving letter from an Idaho youngster who is serving in the war in Vietnam. It made a special impression because it testifies with such genuine feeling to the distress that young Americans, so far from home, must experience as they fight in that tragic conflict.

When I hear the easy slogan that tells

us to "Help Support Our Boys in Vietnam," I cannot think of support in crude terms of reinforcements, more ammunition, more weaponry, and more death. I think, instead, of the basic support that Americans need in any war: A convincing reason to be there. This support, we have not provided to our troops in Southeast Asia. This support, I cannot find. And I can give no satisfactory answer to this young constituent when he tells me the way he and his comrades feel about their service:

It would be worth it a million times over if you believed in what you were doing it for. The worst pain of all is doing something contrary to your personal convictions.

The only answer will be to stop the fighting in Vietnam, to stop not only the physical pain, but also the severe injury that this war inflicts upon the convictions of our young people. This injury is revealed with telling poignancy in the young man's letter. He has lost some faith in democracy. He feels that his life is controlled by a compassionless "monster of Government" that exists in "a far-away world."

This, in addition to 37,000 lives already lost, is the price we are paying. With his name withheld, I ask unanimous consent, Mr. President, to have excerpts from the letter printed at this point in the RECORD.

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

THE WORST PAIN OF ALL

DEAR SENATOR: I am currently serving my active duty . . . in the capacity of a Hospital Corpsman and therefore work with many wounded servicemen coming from the DMZ.

During my entire three years of active duty I have heard many complaints and crticisms about our current policy in Vietnam. [Servicemen] and patients spend hours sadly talking about something they feel they have no voice in. Policy-making by our leaders seems to be done in a far-away world where real people don't exist. Most servicemen are totally unaware of a government *by* the people for the people, and have never known the satisfaction of feeling a part of that government which governs them.

These feelings exist out side the military, of course, and I am sure that many civilians feel this alienation also.

Once people are detached from these feelings of belonging, supporting, helping and contributing, they lose the idea of what a democracy is. They feel the monster of government is so awesome and untouchable that we will, from this attitude, put the entire responsibility of our country's problems onto the central government. . . .

Mr. Church, do you know how the people look at things? . . . is there any way we can stop losing so many servicemen for such an indirect attack on Communism?

The military seems to be a separate government by itself. I personally feel like a slave, not a servant, and there is a difference. You can be a trained Marine, go to Vietnam, lose an arm or leg, and get paid as little as $150 a month. It would be worth it a million times over if you believed in what you were dong it for. The worst pain of all is doing something contrary to your personal convictions."

THE SAFEGUARD SYSTEM

Mr. FULBRIGHT. Mr. President, on May 14 I wrote the Comptroller General of the United States with reference to a report which had appeared in the Washington Post in which Deputy Secretary of Defense Packard had been quoted as telling newsmen that components of the Safeguard system were already being purchased. I pointed out to Mr. Staats that, in testifying before the Subcommittee on International Organization and Disarmament Affairs on March 26, Mr. Packard had indicated that the Safeguard system would require a new funding schedule other than that authorized last year for the so-called Sentinel system. I asked Mr. Staats to have the General Accounting Office ascertain whether funds authorized and appropriated for the Sentinel system had in fact been diverted to use for the Safeguard system.

Mr. Staats replied in a letter dated June 11. In his letter, he said that the General Accounting Office found "no legal basis for questioning the use in the Safeguard program during fiscal year 1969 of funds previously authorized and appropriated by the Congress for missile systems generally." The letter went on to note:

The language in neither the authorization legislation nor appropriation legislation enacted by the Congress refers to any specific missile system.

Mr. President, I would like to read into the RECORD, at this point, questions I asked Mr. Packard, and that Senator GORE asked Mr. Packard, and Mr. Packard's replies when he appeared before the Subcommittee on International Organization and Disarmament Affairs on March 26. This testimony appears on page 291 of part I of the hearings before the subcommittee on "Strategic and Foreign Policy Implications of ABM Systems."

I asked: "Do you take the view that you need no further authorization from Congress to proceed with this completely different program, different from the one that had been planned?"

Mr. PACKARD. This plan is being recommended to the Congress through our budgetary—

Senator FULBRIGHT. There will be an authorization and an appropriation?

Mr. PACKARD. This will be recommended through the regular procedures.

Senator FULBRIGHT. That is what I mean. I hope you are not proceeding on the theory that because Congress has already approved the Former Sentinel system, that you are entitled to go ahead with the new one as if we were committed. I do not consider that we are. I hope we are not.

Mr. PACKARD. I do not, Senator Fulbright.

Senator FULBRIGHT. Good.

Mr. PACKARD. We are recommending a new funding schedule.

Senator FULBRIGHT. Good.

Mr PACKARD. In this funding schedule in the fiscal year 1970 budget it will be necessary for us to proceed in such a way that Congress will have ample opportunity to look at the whole program.

Senator FULBRIGHT. Good.

The program you are talking about now must await the authorization; is that right?

Mr. PACKARD. Yes.

Senator GORE. So, unless the Congress approves, this will not proceed.

Mr. PACKARD. I do not see how it can be any other way.

Senator FULBRIGHT. I thought perhaps you were proceeding under the former authority.

Mr. PACKARD. Well, let me say this, we are proceeding with some of the research and development work that was authorized——

Senator FULBRIGHT. Nobody is objecting to that.

Mr. PACKARD (continuing). Under the previous system.

Senator FULBRIGHT. We hope that is all you will do.

Mr. PACKARD. There will be no installations until——

Senator CASE. This is a very refreshing change, Mr. Secretary, and I commend you.

I would also like to read an excerpt from an article which appeared in the Washington Post on May 14 entitled "Purchasing for ABM Has Already Started." In that article Mr. Packard was quoted as saying to the press:

Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system, Packard said after he gave a private briefing to the Senate Armed Services Committee.

Mr. President, I ask unanimous consent that the full text of the article to which I have referred, my letter to the Comptroller General of May 14, and his reply to me of June 11, be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to read the exchange of correspondence with Mr. Staats in light of Mr. Packard's statements before the Subcommittee on International Organization and Disarmament Affairs. In my view, the contradiction between Mr. Packard's statements to me and the subsequent actions of the Department of Defense show either that Mr. Packard deliberately misled me and other members of the Committee on Foreign Relations or that Mr. Packard was not accurately informed regarding the operations of his own Department or that Mr. Packard simply changed his mind and went back on his statement to a Senate committee.

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

PURCHASING FOR ABM HAS ALREADY STARTED

Deputy Defense Secretary David Packard said yesterday that missiles and radars to be used in the proposed Safeguard antiballistic missile (ABM) system already are being bought even though Congress has not approved the controversial ABM.

He told newsmen the components were being acquired with funds appropriated by Congress last year for the old Sentinel ABM systems. The disclosure appeared to contradict what Packard had told the Senate Disarmament Subcommittee last month—that Safeguard would not be built without specific authority from Congress.

Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system, Packard said after he gave a private briefing to the Senate Armed Services Committee.

Although its mission was different, the abandoned Sentinel system would have used virtually the same kinds of radars, missiles and computers that President Nixon's proposed Safeguard system is to employ.

Consequently, the Defense Department—using funds authorized last year for Sentinel—is able to procure these components without specific authority from Congress.

Packard did not make clear how much money had been spent so far for ABM procurement.

Asked about it afterwards, Dr. John S. Foster, Jr., the Pentagon research chief, said the missiles were being acquired for research and development. But Packard a few minutes earlier had said they would "go into an actually deployed system."

In March, during the Disarmament Subcommittee hearings, Sen. J. W. Fulbright (D-Ark.) asked Packard what would be done with the $346 million Congress appropriated last year for ABM procurement.

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

Fulbright: "Good."

Packard: "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

Fulbright: "Good. The program you are talking about now must await the authorization—is that right?

Packard: "Yes."

Packard said his exchange with Fulbright involved only a pledge to stop acquiring ABM sites, not to halt the manufacture of parts for the system.

But Fulbright and Sen. Jacob K. Javits (R.-N.Y.) said they thought it applied to all phases of the system except research and development.

"This is either a misrepresentation or he has changed his mind," Fulbright said.

Senate Democratic leader Mike Mansfield and Sen. John Sherman Cooper (R-Ky.) urged in Senate speeches that the Administration invite the Soviet Union to agree to a temporary freeze on the deployment of new strategic weapons, including ABMs, by both countries prior to formal arms control talks.

MAY 14, 1969.

Honorable ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: During testimony received by the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations in connection with the so-called Safeguard ABM system, Deputy Secretary of Defense Packard indicated that the Safeguard system would require a new funding schedule other than that authorized last year for the so-called Sentinel system. I enclose a copy of hearings on this subject and invite your attention to page 291 of those hearings.

According to press reports appearing in the *Washington Post* today, May 14, 1969, Deputy Defense Secretary Packard reportedly told newsmen that components of the Safeguard system are already being purchased. I enclose a copy of the article to which I have reference.

I would appreciate it very much if, as soon as possible, your organization could ascertain whether funds authorized and appropriated for the "Sentinel" system have in fact been diverted to use for the "Safeguard" system for which funds have neither been authorized nor appropriated by the Congress.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 11, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR FULBRIGHT: This report is in response to your letter of May 14, 1969. You requested that the General Accounting Office "ascertain whether funds authorized and appropriated for the 'Sentinel' system have in fact been diverted to use for the 'Safeguard' system for which funds have neither been authorized nor appropriated by the Congress."

In your letter, you referred to statements made by Deputy Secretary of Defense Packard (1) during the March 1969 hearings before the Subcommittee on International Organization and Disarmament Affairs and (2) to the press in May 1969. As discussed with your Committee's Chief of Staff, this report does not comment on whether or not there are inconsistencies between the Deputy Secretary's testimony as to the need for congressional approval before proceeding with the Safeguard program and his reported statements to the press that components of the Safeguard system are being acquired with funds previously appropriated by the Congress for the Sentinel ABM system.

In essence, as detailed in the following paragraphs, we find no legal basis for questioning the use in the Safeguard program during fiscal year 1969 of funds previously authorized and appropriated by the Congress for missile systems generally.

PRIOR ABM PROGRAM FUNDING

According to the Department of Defense (DOD) data, the DOD budget request for fiscal year 1967 included $397 million for engineering development of the Nike-X ABM system—funds were not requested for production activities. In the appropriations for DOD, however, the Congress increased the amount requested for Procurement of Equipment and Missiles—Army (PEMA) by $153.5 million for preproduction activities for the Nike-X system. The Congress increased also the amount requested for Research, Development, Test, and Evaluation (RDT&E)—Army by $14.4 million for research and development effort related to the preproduction activities. The appropriation act stipulated that these funds, totaling $564.9 million, and an amount of $20 million appropriated for advanced Nike-X development were to be available only for the Nike-X system.[1]

According to DOD records, during fiscal year 1967 most of the $397 million for engineering development and of the $20 million for advanced development of the Nike-X system was obligated. However, the $14.4 million for research and development effort relating to preproduction was not obligated. For fiscal year 1968 the requirement for preproduction-related funding was $25 million. This amount was offset by the $14.4 million appropriated for fiscal year 1967 but not used. On this basis, the requirement for new obligational authority was reduced. The funds provided in the fiscal year 1968 RDT &E—Army appropriation were not restricted to the Nike-X or Sentinel system.

With respect to the $153.5 million provided for Nike-X preproduction activities, an official of the Office of the Assistant Secretary of Defense (Comptroller) told us that, since a line item[2] had not been established, the Office of the Secretary of Defense (OSD) carried these and other funds in an existing line-item account established for general production base support rather than in an account specifically reserved for the ABM system. According to the official, however, the funds were segregated to prevent their use for other than the operational ABM system—the purpose intended by the Congress.

OSD did not make these funds available for obligation during fiscal year 1967. The fiscal year 1968 appropriation act stipulated that $269 million of the PEMA appropriation was to be available only for the Nike-X system. An OSD official told us that in December 1967, after the decision by the Secretary of Defense to develop and deploy a Communist-Chinese-oriented Sentinel system, OSD had advised the Congress that the funds would be reclassified from the general production base support account, to make them available for obligation for the purpose specified in the fiscal year 1969 budget request, according to the OSD official, OSD specifically asked the Congress to release the fiscal year 1967–68 funds from the limitations previously imposed; the Congress subsequently released $284.6 million of PEMA funds in the fiscal year 1969 appropriation act. He advised us that these funds had then been used in fiscal year 1969 to reduce the request for new obligational authority.

AVAILABILITY OF SENTINEL FUNDS FOR USE IN THE SAFEGUARD PROGRAM

OSD officials contend that the unobligated balances of fiscal year 1969 and prior year Sentinel funds are legally available for use in the Safeguard program because the authorization and appropriation acts for DOD are stated in very broad and general language.

The fiscal year 1969 authorization act (Public Law 90–500) states under Procurement:

"For missiles: for the Army, $956,140,000 * * *"

and under RDT&E:

"For the Army, $1,611,900,000."

The fiscal year 1969 appropriation act (Public Law 90–580) states under PEMA:

"For expenses necessary for the procurement, manufacture and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft * * *"

and under RDT&E—Army:

"For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,522,655,000, to remain available until expended."

Funds were included in the President's 1969 budget under both the PEMA and the RDT&E—Army appropriations for the Sentinel and other missile systems but, as shown above, the language in neither the authorization legislation nor appropriation legislation enacted by the Congress refers to any specific missile system. Since the funds are legally available for missile systems generally, we see no legal basis to question the use of funds for the Safeguard program.

In addition to the legal availability provided by the broad and general language of the authorization and appropriation acts, OSD officials contend that congressional approval of reprogramming actions will not be required. DOD's Instruction 7250.10, March 5, 1963, covers the subject of "Implementation of Reprogramming of Appropriated Funds. This instruction and prior similar instructions were not based on a statutory requirement but, instead, were based on congressional committee requests.[1] The stated purpose of the instruction is to: "establish approval requirements and related operating procedures designed to assure that the responsible officials keep faith with the Committees and the Congress by respecting the integrity of the justifications presented in support of fund authorizations and budget requests, and by providing timely information with respect to any significant deviations from approved programs."

OSD officials contend that, during the balance of fiscal year 1969, there is no need to obtain congressional approval, since the planned Safeguard program activities are within those approved for the Sentinel program. They point out that the amounts of fiscal year 1969 funds being budgeted for the Safeguard program, totaling $861.2 million,

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[1] Public Law 89–687 shows the restricted availability of $153.5 million of the PEMA appropriation and $431.4 million of the RDT&E—Army appropriation.

[2] A specific commodity or system area that has a value of $500,000 or more.

[1] House Report 493, 84th Congress, page 8. House Report 408, 86th Congress, page 20. Senate Report 476, 86th Congress, page 27.

are less than the amounts appropriated by the Congress for Sentinel program activities during fiscal year 1969. The OSD officials contend, therefore, that Safeguard program activities will not require authorizations and approvals specifically for the Safeguard program until fiscal year 1970.

Under the cited DOD instructions, certain reprogrammings of $2 million or more require notification to the legislative and appropriations committees of the Congress, whereas reprogrammings concerning items of special interest require prior approval of the committees, irrespective of the amount. In our opinion, whether or not the change from Sentinel to a Safeguard ABM program requires prior approval by the House and Senate Committees on Armed Services and Appropriations is a matter for determination between the respective committees and DOD.

In response to a similar inquiry by a Member of the Senate, we are sending a similar report to him today. We plan no further distribution of this letter until your agreement has been obtained or public announcement has been made by you concerning its contents.

If we can be of additional assistance in this matter, please let us know.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

INDUSTRIAL HAZARDS

Mr. EAGLETON. Mr. President, a recent meeting held in Washington by the AFL–CIO industrial union department dealt with the subject of industrial health hazards. While there has been a great deal of publicity surrounding the high incidence of pneumoconiosis among coal miners, equally hazardous but less publicized dangers plague workers in other industries.

An article entitled "Industrial Hazards Widespread," written by Judith Randal and published in the Washington Evening Star of June 12, 1969, points out that dangers as well as advantages result from improved technology.

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

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

INDUSTRIAL HAZARDS WIDESPREAD

(By Judith Randal)

In a nation as concerned as the United States is about lung cancer, it is surprising when a new finding is soft-pedaled rather than publicized. It is especially surprising when the tax-supported National Cancer Institute is involved in the soft-pedaling; yet this is apparently what has happened to a study made by the NCI's own researchers.

The study, which shows an increase up to 800 percent in lung cancer among smelter workers was discussed at the March meeting of the American Association for Cancer Research in San Francisco. In making the report, however, Dr. Joseph Fraumeni was careful to avoid mentioning either the nature of the metal smelted or the identity or location of the plant or plants involved.

In essence, Fraumeni said the lung cancer rate among smelter workers was much higher than among the rest of the local population, and that the risk was particularly great in those areas of the plant where arsenic trioxide levels were high. The paper has yet to be published, and the subject has not been publicly mentioned since by either Fraumeni or the NCI.

Such industrial situations are more widespread than is generally realized. If a little-publicized meeting held here last week by the AFL–CIO's Industrial Union Department is any indication, recent attention focused on "black lung" (pneumoconiosis) among coal miners and cancer among uranium miners barely scratches the surface of occupational hazards.

Comparing the steel industry now and 25 years ago, for example, Charles Younglove of the United Steelworkers of America said health hazards have risen as productivity has increased because most new technology carries with it concomitant dangers.

Coke ovens, for instance, are bigger and hotter than they used to be and consequently produce more tar vapors, according to Younglove. "In an eight-hour period around a coke oven," he said, "a man breathes as much tar smoke as he would in a lifetime of cigarette smoking."

Similarly, with the introduction of oxygen as a replacement for forced air in open-hearth furnaces, a terrible risk of fire and explosion has been added to an already hazardous occupation.

When a compressor blew up recently at a Great Lakes plant, the result was much the same as when a chance spark ignited flammable materials in an oxygen-filled spacecraft, sending three astronauts to their deaths.

Three men were killed in the steel mill accident, too.

The relationship between cause and effect was easy to trace in the steel mill accident. Far more insidious are the subtle day-to-day physical threats to workers which ultimately disable them.

For years, as an example, the cotton industry in this country proudly claimed that byssanosis, a respiratory illness caused by airborne dust and common among British textile workers, was not a problem here. The British, eager to better their own safety record, decided that they might learn from American experience and sent a team of scientists to look at U.S. mills. It turned out, to everyone's surprise, that byssanosis, which eventually leads to incapacitating emphysema, is just about as widespread here as in Britain.

Again, improved technology is part of the reason. Mechanical cotton pickers, which now bring in most of the harvest, are not as meticulous as their human counterparts. Thus, cotton is dirtier when it arrives to be processed than it was a generation ago.

Also, most of the nation's 250,000 textile workers are employed in Southern plants where the states have not set realistic dust safety levels and union organizing efforts have failed. Frequently, the plant environment for many employes is downright dangerous.

Even where industrial safety levels are enforced, they may have little meaning. Toluene, a solvent widely used in the oil and chemical industries, is a case in point. The allowable concentration in United States plants is 200 parts per million (ppm) in the atmosphere, whereas in the Soviet Union the limit is 25 ppm. The Russians may be somewhat over-cautious, but an eightfold difference would suggest that the burden of proof of this assertion should lie with the United States.

Technology has introduced some 500,000 chemicals into the environment since the beginning of the century, and is adding to this burden at a rate of about 6,000 substances each year. The effects, including long-term genetic ones, are only now beginning to be apparent.

Industry is wont to say that "accidents" and long-range illness from occupational exposure are due to worker carelessness, notably the refusal of employees to be bothered with the safety measures their bosses prescribe. Admittedly, it is often difficult to get people already working at unpleasant jobs to add to their discomfort by wearing safety gear.

Still, what industry for the most part seems unwilling to face is that the hazards may be additive and their effects synergistic, so that the compound danger is greater than the sum of its component risks.

Unless this country enacts realistic modern legislation to deal with industrial hazards and enforces it, millions now working for a living and generations yet unborn may pay a heavy price.

AN END TO THE DRAFT

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a recent article by the Senator from South Dakota (Mr. MCGOVERN) relating to the military draft.

It is an incisive, thoughtful article which I recommend to everyone concerned about our military conscription system.

Senator MCGOVERN is a major sponsor of S. 503, the Voluntary Military Manpower Procurement Act. That legislation provides for a voluntary system of enlistments and terminates all draft inductions unless our manpower needs are not adequately met voluntarily. In my judgment, his article deserves a careful reading by my colleagues in the Congress and the entire Nation.

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

AN END TO THE DRAFT

(By Senator George MCGOVERN)

Many Americans, grown accustomed to living with the military draft, accept it as a traditional, permanent, and necessary part of our democratic system. In fact, it is a relatively recent development—our first peacetime draft was in 1940—and it runs counter to an important quality in American life: the concept of personal freedom. Many of our ancestors came to this country to escape forced military service.

Public opinion surveys have indicated slightly over half of the American people favor continuing the present draft system. I have no doubt that, to a large degree, that attitude stems from the fact that the alternatives have too often been ignored or dismissed without careful study, leaving the impression that we have no other choice. Even the most prominent spokesmen for compulsory conscription do not regard it as ideal; they excuse it as a necessary evil.

More significantly, my own experiences as a college teacher, as a father of teen-age youngsters, and as a member of Congress, lead me to believe that a high percentage of those favoring the present system are too old or too young to be drafted, or sufficiently privileged to be exempt. There is a remarkable lack of enthusiasm for the draft among its prospective and current victims, regardless of their willingness to serve if called.

Small wonder. As matters now stand, millions of American youth are uncertain about their future because of the draft, an uncertainty needlessly imposed. Roughly five million men between the ages of nineteen and twenty-six are eligible—that is, they have not already served in the armed forces; they have not been rejected by the Defense Department on physical, mental, or moral grounds; and they do not qualify for hardship, educational, or occupational deferments or legal exemptions. Even with the Vietnam buildup, we draft only about one-tenth of their number each year, and in peacetime our needs are even less. Yet we force each of the five million to stand ready to take up arms in the event he falls among the ones who will be conscripted.

A young man has no way of knowing when he will be drafted, if at all. Many employers will not hire him so long as he is eligible. If the employer is willing to take the risk, the individual is still faced with the possibility of an interrupted career or dislocation from advanced education.

Consequently, there is pressure upon the draftee to minimize his chances of being drafted—to rush into marriage, to remain in school, if he can afford it, even though his studies may not interest him, or to enter an occupation because it carries a deferment rather than because it is his personal choice.

* * * * *

And we should not overlook the fact that some of our most thoughtful youth have come to a genuine conviction that the war in Vietnam is a mistaken policy that is damaging the interests of the United States. Others regard it as an immoral or improper interference in the affairs of the Vietnamese people. For these young men, the draft is a source of torment that forces them to choose between participation in a war they sincerely oppose, a term in jail, or flight from the country. None of these alternatives can bring a healthy result for them or for the nation.

Spurred by the divisions accompanying our controversial foreign adventure, there is an unfortunate tendency on the part of many citizens to categorize these young people as fuzzy thinkers, draft dodgers, or worse. In most cases, that is an unfair indictment both of their motivation and of their convictions. In the years to come, we may be deprived of their enthusiasm, idealism, and ability because of a draft law that in their view forces them to commit crimes against conscience and humanity. Let us remember that following World War Two we prosecuted and convicted German military and civil officials for obeying their government rather than their consciences. No useful purpose can be served by ignoring the conscience and conviction of American youth.

I wonder how many of those who regard the draft as the natural order of things have asked themselves why this method of recruitment should be used for the armed forces when it is not used in staffing any other branch of government. Since the abolition of slavery, no private firm has been allowed to "draft" its employees; the government does not draft its secretaries and other civilian workers, though their total wage bill is comparable to that for military manpower. We do not draft policemen, though their work is similar to that of soldiers, and we do not induct astronauts, who face a greater risk of death. We do not draft teachers or physicians or nurses, although the need for them may be greater than for soldiers. Why, then, do we draft members of the armed forces?

Perhaps it is because we feel that all young men should be willing to serve and defend their country by bearing arms. But the draft certainly does not make young men willing to serve; it takes them, willing or not. Few people would contest the virtues of patriotism, but this still does not establish a fair method of determining which young men shall leave home and which shall stay home when not all are needed.

Perhaps it is because we believe that military service has sometimes helped to bring a more mature and responsible attitude to young men—in combination, of course, with the experience of the years that pass while they are in service. But, again, a voluntary system in place of the draft would not affect this. It would merely change the method of determining which youth will be exposed to those beneficial influences. The total number of servicemen would continue to be based on total manpower requirements, and not on the number of young people who may need external help and discipline in growing up.

A draftee is forced labor. When the army takes nineteen-year-old citizens who are earning, on the average, about $4,000 per year, and puts them to work for $2,000 per year, it may appear that the country is saving $2,000 per year per man. In fact, while the army is saving $2,000, the draftee is losing the same amount. Since both the army and the draftee are parts of the American economy, the country saves nothing. In effect, the draftee is paying an additional income tax of 50 per cent on top of his other taxes.

This is eminently unfair. We are not only asking him to donate his time and perhaps his life to his country; we are asking him to pay for the privilege! Since national defense is a service that benefits all American citizens, it seems only fair that all citizens should bear the financial burden of it, as they do of most other government services. If there is to be any inequity in this regard, it should be in favor of the serviceman rather than against him. It is often charged that old men start wars and young men fight them; this may be unavoidable, but I see no reason why all of us should not share as equitably as possible in the costs of war.

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CORRECTING INEQUITIES

A great deal of our current problem stems from the fact that modern warfare and defense do not seem any longer to require mass armies. There is considerable doubt whether we shall ever again need armed forces of the World War Two size; this means that a prime question is always who should serve in the army when not all are needed. Some would meet this problem by extending compulsion to all—assigning some to military service and some to other kinds of compulsory service. Such a system would appear, in many ways, to compound the problems we have already, and to be hardly consistent with the freedom of choice that we value so highly in our society.

Another of the solutions being discussed is a lottery system. This does have wide appeal among those discontented with the inequities of the present system. Under it, exemptions and deferments would be reduced to a minimum, and those of an appropriate age, say nineteen-year-olds, would have an equal chance of being selected. Thus, the armed forces would include some students destined for college and some high school dropouts, and, to the extent minimum health and mental requirements were met, equal proportions from all strata of society. It is argued that this system would eliminate the inequities we have currently, whereby our armed forces tend to include, among enlisted men, primarily the poorer and less educated, while college students and, until recently, graduate students as well, were "deferred." In many cases these deferments have extended past the age at which students would be subject to the draft; in any event, for a war of hopefully limited duration, deferment may be sufficient to permit avoidance of military service and certainty of service under combat conditions.

While eliminating some of the gross inequities, the lottery system would still suffer the same defects as the Selective Service System we have currently. Again, an undue burden would be put on the young; again, those who serve would incur a hidden tax of enormous proportions. We would suffer the same losses of efficiency consequent upon the drafting of men who may have superior contributions to make in civilian service and inferior contributions to make in military service. We would suffer the same loss incumbent upon the uncertainty of just who would be drafted, which prevents people from starting on useful careers until they know their number had been passed. There would be the same loss in repeated training of servicemen who refused to re-enlist for a poorly paying job not of their own choosing. We would have the same waste of resources in the armed forces because of failure to correctly count the cost of manpower.

Many observers have recommended patchwork remedies for the obvious biases for or against the rich, the poor, the well-educated the ignorant, the black, the white. These well-meant remedies will not succeed because they skim over the root inequity—the forced impressment of a minority of our citizens.

The one equitable and efficient means for recruiting our armed forces, it becomes increasingly clear, is to do so on a volunteer basis. Such a system would be fully consistent with our best traditions and, remarkably, would avoid virtually all the pitfalls we have discussed thus far. Most of the objections to a volunteer system can be shown to be spurious or lacking in weight, and it has certain particular advantages.

AN ARMY OF VOLUNTEERS

One objection is that an all-volunteer army would be an all-black army, or that it would be an army largely composed of persons from the lower strata of society. There is first a question of fact. Blacks currently constitute about 9 per cent of the armed forces, compared with about 11 per cent of the nation's population. Blacks do make up a disproportionate share of combat forces—15 per cent—largely because their low socio-economic backgrounds make them less fit for more skilled branches of service, and because of their higher re-enlistment rate—45.1 per cent compared to 17.1 per cent for whites. But it is impossible for the army to become all black. There are approximately 1,700,000 black men between the ages of eighteen and twenty-six. Suppose all of these volunteer for the army, and suppose that the rejection rate among blacks continues at its current level of 50 percent. This means that, even under these most unrealistic of assumptions, only 650,000 black men would be qualified for military service. If a reasonable size for a volunteer army is 2.65 million men, blacks could at most constitute only 24 per cent.

In part, the increasing technical sophistication of modern warfare may automatically keep the proportion of blacks and the poor relatively low. A modern army that needs persons with high technical skills would not hire the unskilled. If it were desired to maintain a given racial or social balance in the armed forces, this could be easily accomplished by refusing to hire volunteers after the "quotas" had been filled.

Finally, for those who are really concerned about the fate of the poor, and especially of the poor who are black, the volunteer army should appear attractive. It is an inescapable conclusion, recently supported by the Kerner report, that blacks are the victims of discrimination in civilian employment. The armed forces have been one of the few avenues open to the black by which he can improve his economic and social position; this is confirmed by blacks' high re-enlistment rate. Civilian opportunities should certainly be improved, and the availability of opportunity in the armed forces should not be used as an excuse to avoid increasing civilian opportunity. But mistreatment in the civilian economy should not be a reason to deny blacks the chances for economic and social advancement within the armed forces. If blacks and the poor generally are going to serve in the armed forces, they should at least be paid adequately for the job they are doing.

One argument against the volunteer concept that troubles me is the possibility that the public would decide that well-paying armed forces would be a sufficient solution to the critical problem of poverty and the associated problem of racial discrimination. We must not fall into the trap of concluding that the problem of making decent civilian jobs available for all willing and desirous of work is solved merely because adequately

paying military jobs are available. The armed forces should be in a position of bidding for the services of young men who are part of a society that equips all for useful, remunerative civilian jobs and hence gives all a free choice between military and nonmilitary work.

It may be that we continue the draft because we are concerned about the quality of the men who would enlist under a voluntary system. It is a fact, however, that 49 per cent of our current armed forces are true volunteers: they were not drafted, nor did they enlist out of fear of the draft. In Defense Department parlance, they are not "reluctant volunteers." Our experience over the years has given no indication that volunteers are less capable, less brave, or less dedicated than conscripts. On the contrary, the experience of a career serviceman and the opportunity to train him more intensively are apt to improve his effectiveness.

Another danger that one may see in a voluntary army, one that troubles me deeply, relates to its very efficiency and the consequent possibility that our government will have at its disposal, at relatively little cost to the broad body politic, an instrument of potential danger as well as potential usefulness. I happen to believe that it is not desirable to have American armed forces act as world policemen, dispatched anywhere over the world to intervene in other peoples' affairs, however well-intentioned our interventions may be. One inhibition upon such intervention, no doubt greater than ever after our disastrous experience in Vietnam, is the reluctance we must all have to see our youth drafted into such expeditions against their will. But if, out of our large and able population, a small, efficient volunteer force can be obtained who for one reason or another is not loath to fight all over the world in other peoples' wars, may not this potential restraint on any unwise government leaders be lost?

This danger is one that I cannot fully exercise. There is in principle a chance that out of a large population we may find a small class, happy to be paid for violence, who will lend themselves facilely to policies and acts in our name, which we will carelessly allow to be pursued because we are not personally involved. If this were to happen the world would be scarred and the good name and reputation and interests of the United States would suffer immeasurably. Our country's only brake against such a syndrome would be—in some measure as it is now—a vigorous and watchful civilian control over our military.

Probably the most usual objective to the idea of a volunteer army is that if we did not draft soldiers we could not get them to serve, but this argument hardly bears scrutiny. The peace-time draft is indeed new to this country, not having been instituted until 1940; until then our armed forces in peacetime had always been recruited on a voluntary basis. Indeed, with the exception of the Civil War, there was no recourse to the draft in any war until World War One. And contrary to some popular impression, the bulk of those actually serving in the Civil War were volunteers. The Civil War draft drew great opposition and little in the way of positive results. Hence, it is clear that it has been possible to man our armed forces without the draft through most of our history. And, it may be added, a number of other countries, particularly Britain and Canada, closest to us in outlook and political institutions, have generally and do currently maintain their armed forces without conscription.

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As we have seen, the average nineteen-year-old draftee pays about $2,000 per year for the privilege of serving—older draftees, who would be earning more at their civilian jobs, pay even more—but this cost appears nowhere in the budget. A voluntary system would require that the full manpower cost of the armed services be included in the Defense Department budget and appropriation, and that we face up to what our military establishment is costing us. A voluntary system would be more economical and more efficient than the draft for several reasons.

First, it would save on training costs. At present, more than 90 per cent of those who enter the services do not reenlist. This necessitates putting a man through expensive training procedures, receiving the benefit of his skills for one or two years, and then losing him. A new recruit must be trained to take his place. Not only is this procedure intrinsically costly, but it also means that a significant proportion of our most highly skilled military men, men who have chosen the armed forces as a career, must be tied up as instructors. Under a voluntary system in which the average length of service would be considerably longer than the present two or three years, training expenses would be greatly reduced.

Second, an all-volunteer army would be less expensive because it could be smaller. The men would be more experienced and better motivated; hence, they would be more capable and efficient. Fewer of them would be needed and we would have a more effective fighting force.

Third, once the cost of military manpower is placed on the table, the military would be forced to use its people in a more efficient way than under the present system. No longer would we see a highly skilled individual capable of earning, for example, $10,000 a year in civilian life, doing menial or clerical work and being paid $2,000 per year, thus costing the individual $8,000, and depriving the country of $8,000 worth of productivity. If the services want a $10,000-a-year man, they would have to pay him $10,000 a year, and if they are going to pay a man $10,000, the people and the Congress will want to be sure that the nation is getting $10,000 worth of service.

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Under either system, it might be wise to re-examine our military education and indoctrination programs. I suggest that we can best keep our democracy safe from militarism not by forcing unwilling young men into service, but by impressing upon all of our men in uniform that they are citizens of a democratic country first and servicemen second. Toward this end, I propose that better civilian control be established over all of our military educational institutions and training programs.

PROPOSALS FOR CHANGE

If the time has come for replacing compulsory conscription with a system of voluntary enlistments—and I, for one, am convinced that the time *has* come—then a number of careful steps must be thought out and acted upon. One issue of prime importance is the matter of pay.

Although numerous pay raises for the military have been passed since 1950, most of these have been not for first-term enlisted men but to induce officers and other enlisted men to remain in the armed forces. Nevertheless sheer justice would require that we pay men serving their country more than we now pay. The effect of the current pay rate is to penalize those who display their patriotism in this way; we should, therefore, immediately raise the pay of these men even if, for some reason, we thought the volunteer arm were not feasible.

Such a step, which would be fully justified on grounds of equity, would also provide a test of the feasibility of the volunteer army. If the armed forces were to offer competitive pay and benefits, there would be little need to rely on the draft, and certainly not in peacetime. The effective recruitment programs already in operation would be given a tremendous boost if potential recruits could expect, as enlisted men, salaries, responsibilities, and opportunities for advancement commensurate with those they would find in civilian life.

However, that justice requires such an action is no guarantee that we will take the action. As long as the draft exists, there is little incentive for the armed forces to try to get wages for first-term enlisted men raised, and there is likewise little sentiment in Congress to raise these wages. It has been suggested, therefore, that Congress set a target date for eventual elimination of the draft. For practical reasons, the draft cannot, and probably should not, be abolished overnight; perhaps, too, the draft classification machinery should be retained for the unlikely event of another war like World War Two; but it must become stated policy of the government to eliminate conscription for peacetime or limited-war situations.

It might be well, once the draft is eliminated, to require an Act of Congress, rather than a mere executive decree, to reinstate it when manpower needs rise. It might also be well to tie future use of the draft to similar restrictions, such as higher taxes or rationing, on the civilian economy, in order to make very such that the politically attractive option of levying the cost of the war on a small and uninfluential part of the population is foreclosed.

HIGHER EDUCATION CONSTRUCTION ASSISTANCE

Mr. MONDALE. Mr. President, there has been a great deal of talk recently about the crisis in financing higher education. At least three bills, having a total of almost 30 cosponsors, have been introduced in the Senate this year to provide for expanded student assistance programs for higher education.

But the need for student assistance is only one aspect of the financial crisis higher education is facing. At a time when enrollments in colleges and universities are increasing at an unprecedented rate, there is a critical need for new and improved facilities. The need for Federal assistance for construction of college and university facilities and the effects of the Nixon administration's budget proposals in these areas are spelled out clearly in an editorial, entitled "Colleges Still Need Construction Aid," published in the Minneapolis Tribune of June 16, 1969. I commend the editorial to Senators and ask unanimous consent that it be printed in the RECORD.

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

COLLEGES STILL NEED CONSTRUCTION AID

The prospect of drastic cuts in federal aid to colleges and universities has so distressed the Minnesota Higher Education Coordinating Commission that it has told President Nixon his budget recommendations would be "a disaster for higher education."

These figures explain the commission's concern: Federal contributions for construction at four-year colleges, graduate schools and junior colleges in fiscal 1969 total $249 million; the Johnson administration's budget for 1970 cut this to $150 million; the Nixon administration's proposal would eliminate all construction money for four-year and graduate institutions, leaving only $43 million for two-year colleges. A new interest subsidy which would pay charges above 3 percent on

money borrowed privately is proposed—but this would be a costly, deferred payment procedure.

The commission points out that the federal cuts are budgeted at a time when more is expected of colleges than ever before. Enrollments continue to rise at a rapid rate, and as a higher proportion of the population goes to college, instructional costs rise even faster. On Minnesota campuses, the new waves of buildings never quite catch up to current needs.

Federal construction grants in Minnesota during the last five years have amounted to about 26 percent of the total spent on acadamic buildings at public and private institutions. This infusion of money has generated additional funds and led to improvements in higher education.

The Minnesota Legislature appropriated $104.2 million for building in the next biennium at the university, state colleges and junior colleges—a little more than half the amount requested by those institutions. It already is clear that if more funds for colleges are not added to the present Nixon budget, state legislatures and private institutions face an almost impossible financial task in the next few years. Seriously overcrowded colleges and deteriorating quality of education are inevitable, if construction cannot keep pace with the number of students.

FARM PIONEERS OF TODAY

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE) I ask unanimous consent to have printed in the RECORD a statement and an insertion.

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

FARM PIONEERS OF TODAY

Mr. DOLE. Mr. President, many stories are told of the courage and hardships endured by our pioneer women. It is true these heroic women made tremendous contributions to the development of Kansas and the Nation.

Women on our farms continue to play an important role in the development of agriculture. Though the hardships are minimal by the standards of their grandmothers, today's farm wives have little time for leisure.

An article "Great Plains Women Face New Prospect" appearing in the June 1969 issue of the USDA publication, *Soil Conservation*, tells an exciting story of the deep faith of four farm wives in the land of Western Kansas. I salute these splendid ladies.

SOME REMEMBER THE DUST AND HARDSHIP—"GREAT PLAINS WOMEN FACE NEW PROSPECT"

Some have forgotten the wind and the dust of the 1930's in the Great Plains. Some have forgotten the courage it took to stay and do the grueling work of putting cover back on the runaway land.

Some have forgotten—but not the women who hung wet sheets over the windows and doors to keep out the suffocating dust.

Not the housewives who scooped the dirt out of their homes with shovels.

Not the wives who watched their husbands struggle year after dry year to grow enough food to keep their families alive.

Not the mothers who stood by helplessly and watched their children die of "black pneumonia" caused by the dust clogged air.

These are the women who today know, as well as their husbands, the importance of conservation on the Great Plains.

Conservation which, under the Great Plains Conservation Program, has given the ranchers and farmers of the region a practical and profitable way to prevent a recurrence of the Dirty Thirties.

A TOTAL PROGRAM

It is a total program . . .

. . . to include cost-sharing, credit, and technical assistance in soil and water conservation.

. . . to keep the dust on the fields—out of their homes and their children's lungs.

. . . to make life easier for them and their families.

. . . to give the women time to be women!

These are the women who today, because of this program, have time for outside work, instructive clubs, productive hobbies. Modern conservation farming practices and household conveniences have turned these women into the Great Plains counterparts of 5th Avenue.

By the time they are grandmothers, these women of the Great Plains no longer are wrinkled and old beyond their years.

One such young grandmother is *Mrs. Dwight Finney of Simpson, Kans.*, mother of five and grandmother of 12. Although Dwight signed a Great Plains contract only a few months ago, he has been farming his 2,380 acres the conservation way for many years. Their farm-ranch operation already has six ponds, 2 miles of terraces, 8 acres of waterways, and 60 acres reseeded to native grasses. Future plans call for an additional 55,000 feet of terraces.

HER LITTLE FACTORY

Charlotte still helps in the fields during harvest, but now she also has time to pursue her own interest in ceramics. Her "little factory," begun 3 years ago in the basement, does a $500 annual business in ashtrays, bowls, and figurines for friends, relatives, and grandchildren.

"I can hardly get anything else done," Charlotte said, "All I want to do is ceramics."

But, as is so characteristic of the Great Plains women, she does get other things done. She helps operate the citizen's band radio used as a fire warning system in the community. She has served as both president and vice president of the Extension Homemaker's unit in Simpson. She won bowling trophies during a tournament 4 years ago.

"I'm really not that good," she said about her bowling. "We didn't have hired help that year, so I was working in the fields throwing hay bales around. We played nine straight games in that tourney. I won because I outlasted everyone else."

OUTLAST AND COURAGE

And, perhaps, outlast is a word that describes many of the Great Plains farm and ranch wives. Outlast and courage!

Courage to outlast the dust. Courage to outlast the doubts and fears and to build again.

Mr. Jeanette Matousek and her husband, Glen, of Cuba, Kans., have this kind of courage. Glen and Jeanette both remember the big blows of the 1930's. That's why they hesitated to buy high-priced farmland. Until 5 years ago they had been doing a lot of good conservation work—but on other people's land. Now they are applying conservation on their own 620 acres.

It was the Great Plains Conservation Program that finally convinced the Matouseks that land was a good investment. They figured that conservation practices give the land resistance to drought and the other hazards of the 30's, and they were experienced in applying them. The new program offered them the opportunity to do the job quickly and with a sharing of the cost burden.

Today, one of their prize possessions is the farm pond which, among other things, is used for fishing by their three children.

Head bookkeeper for the John Bartholomew farming enterprise is wife Tessie. They farm 773 acres in Jewell County, Kans., where like most central Kansas farmers, wheat is their main crop. Theirs is a Banker's Conservation Award Farm for 1966, honored by the Kansas Banker's Association.

ON ALL HIS LAND

John not only practices conservation on his own land but also on the acres he rents. In fact, he does not rent land unless the owner agrees to sign a Great Plains contract to have conservation work done.

Tessie is one of the women who remembers when times were "not so good."

"We didn't have running water until we moved here 10 years ago," she said. "We didn't have electricity until Nancy started to kindergarten."

But, although these women now have time for clubs, hobbies, neighborhood get-togethers, the PTA, or work as 4–H leaders, they still lend a great deal to the farming and ranching operations of their husbands. Many drive the wheat or silage truck and run errands during harvest, in addition to doing the farmyard chores. Many also have livestock enterprises of their own.

Mrs. Dixie Siler and husband Carmen farm 1,200 acres near Minneapolis, Kans. Carmen is a grain farmer. He entered a Great Plains contract because "I knew it would save my soil, and thats what I wanted." Dixie, with the help of their four daughters, is the hog raiser in this joint grain and hog operation. She feeds *his* grain to *her* hogs.

Dixie markets about 500 pigs a year, either as top hogs in winter or feeder pigs in the summer. She has 32 sows, most of them Hampshires and has selected 35 gilts as replacements or additions for her hog "family."

Her kind of enthusiasm, together with the willingness to work hard and try new things, makes it easy to see why the life and the women of the Plains have blossomed from the dust of yesterday into the beauty of today and tomorrow.

FLAG DAY ADDRESS BY GOV. JOHN A. BURNS, OF HAWAII

Mr. INOUYE. Mr. President, I wish today to bring to the attention of Senators the remarks of Hawaii's Governor, Hon. John A. Burns, on the occasion of the recent Flag Day observance.

I think that his remarks most ably remind us of our heritage, our commitment to freedom, and our fervent hope.

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

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

REMARKS BY GOV. JOHN A. BURNS, FLAG DAY OBSERVANCE

My Fellow Citizens:

The Red, White and Blue Flag of the United States of America which we honor here today had its origin in violence and revolution.

It began in 1777 in a newly developing nation located in an economically backward region of the world, across an ocean and far to the West of European civilization.

The Flag was made for a people who were cantankerous, hot-headed and hard-headed; divided in their loyalties; diverse in their political, religious, and philosophical beliefs and social customs and jealous of their own petty regional powers and privileges. The Flag was proposed by a wartime government committee. The climate of the times included rumors of scandal, payoff, treachery, disorganized leadership, and the inevitability of failure of the Revolution.

The Flag was designed by a patriot whose name is not known to us today.

It was the result of a resolution offered by the Marine Committee of the Second Continental Congress at Philadelphia and adopted June 14, 1777—192 years ago today.

The Committee resolution compared the newly united colonies to a new contellation in the heavens.

We honor our flag today because it is the symbol and the summation of all that our nation holds to be good, and true, and beautiful.

We owe this flag profound respect and reverence. It is the emblem of the respect, reverence, and gratitude we owe to millions of patriots who in difficult years established, developed, and defended our nation and the sublime principles which form its foundation.

Our reverence for the flag is our way of acknowledging the hard work, suffering, and death of these American patriots who made it possible for us to live in prosperty and relative peace today.

Today, across the sea to the West of Hawaii, our Flag flies in South Vietnam as a welcomed companion to the National banner of that long beleagured Republic. We see another new nation, in desperate circumstances even as our own country was in desperate circumstances in Washington's day, struggling to be free from the violence and confusion caused by a military tyranny simplistically mis-named a "people's revolution."

In that wearying struggle we have solemnly promised to assist the South Vietnamese in their heroic fight to be free of this modern "absolute despotism" which is much more cruel than that which our own nation fought and defeated. As in 1776, so again in this decade we have pledged to our Asian brothers "our Lives, our Fortunes, and our sacred Honor" to enable them to withstand the terror of that tyranny and to establish their own nation in freedom and in peace.

Just as the French under Lafayette helped the United States with men, money, and ships in its first great military campaigns, so we have helped the South Vietnamese to increase their own strength and perfect their own institutions.

It has only been through the patient, steadfast, determined efforts of four worthy successors of General Washington—Presidents Eisenhower, Kennedy, Johnson, and Nixon—that the South Vietnamese have had any hope of attaining what the American people attained in the Peace of Paris in 1783.

Today, we look to Paris again for a new Treaty of Peace. Our Nation has taken all the necessary steps to encourage the acceptance of reason, as the British accepted it almost two centuries ago. Our forces are being reduced. We stand ready to outdo in generosity and in further steps toward peace whatever sincere efforts the enemy might be willing to make toward eventual settlement of the conflict.

But one thing appears certain. Our Flag, symbol of the sacrifice of thousands of American lives in this continuing bitter war, can never be taken down from the flag staffs in South Vietnam until the flag of South Vietnam itself can fly high and free above a free people. When that great hour arrives—and we pray it will be soon—our Flag can be removed with honor.

We can leave to the judgment of history and of God the nobility of our intentions and the worthiness of our efforts, just as we commend to God our prayers for peace as we continue in a war we detest with all our hearts.

THE RECOGNITION OF FOREIGN COUNTRIES

Mr. HUGHES. Mr. President, the San Francisco Chronicle, in a lead editorial on June 26, 1969, gave a perceptive commentary on an important foreign policy resolution before the Senate under the joint sponsorship of Senators ALAN CRANSTON, of California, and GEORGE AIKEN, of Vermont. This resolution, as you know, seeks to make our policy of recognizing foreign nations more flexible and rational. In view of the importance of the resolution and the excellence of the editorial comment, I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

THE CRANSTON RESOLUTION

A resolution designed to give flexibility to the Nation's muddled policy of recognizing foreign nations and place it on a more rational basis is before the Senate with the joint sponsorship of Alan Cranston, the Democratic freshman Senator from California, and George Aiken of Vermont, the senior Republican.

It sets forth the principle that "when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not imply that the United States necessarily approves of the form, ideology or policy of that foreign government."

Thus it excludes the moral and political judgments that frequently determine whether U.S. recognition shall be granted to or withheld from certain governments. In effect, it re-establishes the policy that prevailed from Jefferson's time to the first decades of this century when a de facto government was recognized simply because it existed and was deemed capable of maintaining itself—a policy which holds in effect that each nation has the right to govern itself as it wills and the United States has no right to interfere in its internal affairs.

In testifying, Senator Cranston told the Foreign Relations Committee that the recognition policy based on approval or disapproval of a government has served this Nation ill. It has denied communication, led to misunderstandings, prevented the exertion of influence, and, on more than one occasion, led to costly military intervention. Furthermore, he said, it now "holds increasingly grave risks of war through misunderstanding in an age when atomic Armageddon is an everpresent danger."

Though Senator Cranston does not favor recognition of mainland China at this time, he told the committee that the present lack of communication and accurate information "seriously limits our ability to make accurate estimates of China's intentions in southeast Asia . . . and badly injuries the quality of information on which American policy is based in one of the most sensitive and dangerous parts of the world."

Senator J. W. Fulbright, who approves the resolution, also cited the possibility that it would open the way for eventual recognition of Communist China—an eventuality which was touched upon by Alf M. Landon, the Republican candidate for President in 1936, in a recent address. He suggested that the existing Soviet-Chinese conflict makes this an opportune time for the Nixon Administration to move for a change in Chinese-American relations. He said: "If the existing deadlock gives way to mutual understanding between these two great powers it will have a profound effect on the whole spectrum of international affairs."

The Cranston-Aiken resolution clearly points the one practical way toward such an understanding.

IN SUPPORT OF SCHOOL DESEGREGATION LAWS

Mr. PERCY. Mr. President, I was pleased to note in news reports last weekend that Secretary Finch has disavowed any attempts to weaken the public school desegregation guidelines. I strongly support his stand on this sensitive issue, and I hope that he has laid to rest the disturbing rumors which have been receiving wide publicity in recent weeks.

We have heard various reports that terminal dates for abolishing dual school systems would be lifted by the Federal Government and that it would return to the "all deliberate speed" language of 15 years ago. Apparently, this is no longer the case. Secretary Finch, speaking for the Department of Health, Education, and Welfare at a weekend press conference, emphatically denied that the administration was weighing any moves to soften enforcement of school desegregation guidelines.

I have long maintained that the laws of this Nation must be followed and that these laws should be fairly enforced. It seems to me the ultimate in hypocrisy to call for one segment of our society to be law abiding and, simultaneously, to wink at another segment of our society which is disobeying the law.

The Congress and the courts have now spoken on the issue of segregated schools, and the time is long overdue to apply these laws. An entire generation of schoolchildren has now started kindergarten and graduated from high school in the same segregated schools declared unconstitutional by the Supreme Court 15 years ago. How many more generations of schoolchildren must be sacrificed?

We cannot lose sight of the very difficult decisions that must be made in the school districts which are now in the process of desegregating their schools. Local schools officials in the vast majority of these districts have already made those difficult decisions and they have put their reputations on the line in order to give the best possible education to all children.

Any weakening of the law at this time can only hurt these school officials who have already acted. Their actions would be seriously undermined if decisions were made to extend the time for eliminating dual school systems in some districts. The law must be fairly enforced and it must be uniformly enforced.

I strongly endorse and support Secretary Finch's stand that the law will continue to be enforced fairly and uniformly throughout the Nation.

A "FIRST STRIKE" CAPABILITY

Mr. GORE. Mr. President, a most interesting letter to the editor appeared in the June 26 issue of the New York Times signed by Richard D. Geckler who was Assistant Director, Defense Research and Engineering, Department of Defense from 1964 to 1966. Mr. Geckler comments on the tendency to equate the large yield of Russian nuclear warheads with an intent to develop a "first-strike capability." He notes that large warheads waste nuclear resources and that instead of attributing a first strike attempt to the Russians it should be considered more likely that they have "made a mistake in picking the optimum yield for their warheads."

I urge my colleagues to study this brief but incisive letter carefully and ask

unanimous consent that it be printed in the RECORD.

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

DEBATE ON FIRST-STRIKE

MELVILLE, LONG ISLAND,
June 23, 1969.

To the EDITOR:

Among many misconceptions involved in the ABM controversy, one seems to have escaped comment. This is the apparent tendency to equate the large yield of Russian nuclear warheads with an intent to develop first-strike capability.

Actually, large warheads waste nuclear resources, compared to small warheads, for the simple reason that two half-size missiles can cause more destruction than one full-size missile.

A fixed supply of nuclear material in an attacking force of ballistic missiles can cause more damage if it is subdivided into many small warheads rather than a few large warheads. The optimum size depends only on the characteristics of warhead technology and not at all on target hardness or delivery accuracy.

Instead of attributing a first-strike intent to the Russians, it should be considered more likely that they just made a mistake in picking the optimum yield for their warheads. By almost every technical, military, and economic criterion, small warheads are more compatible with a first-strike intent than are large warheads.

RICHARD D. GECKLER

(NOTE.—*The writer was Assistant Director, Defense Research and Engineering, Department of Defense (1964–66).*)

AN INDEPENDENT OILMAN SPEAKS OUT

Mr. PROXMIRE. Mr. President, the major oil companies have tried to make sure that the oil industry maintains a united front in protecting the major's special privileges. However, I think we must realize that the oil industry is not monolithic; it is composed of many small, independent wildcatters as well as the gigantic, integrated major oil companies.

A lot of the oil industry's special privileges benefit only the majors. As a matter of fact, I pointed out last Thursday that the tax treatment of foreign tax credits harms rather than helps the domestic oil industry. There are other privileges which discriminate against the consumer and small oil producer in favor of the major oil companies. These, too, need to be carefully scrutinized.

Mr. President, I commend to your attention an article by Ted Brooks from the Wichita Eagle and ask that it be printed in the RECORD at the conclusion of my remarks.

Although I do not agree with all that he says, I do think he portrays in a very graphic manner the problems facing the small independents as they have to compete against the major oil companies with all their special privileges.

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

FROM THE OIL DESK—A LETTER TO MAJOR FIRMS

(By Ted Brooks)

DEAR MAJOR: We are writing to ask you to remove yourselves, your membership, your people and your influence from our trade associations and political groups. You have your associations. We are supposed to have ours. We can't keep you out of state and national politics, and we don't want to. But we insist that in both you represent only yourselves; that you stop pretending that you speak for us too.

We put this on record with reluctance. We remember when many of you were small independents too. You grew and you changed. Fortune ruled that we remain small and tied to our small communities and states. Now our needs and goals are vastly different.

By our nature we are tied to local and regional economic communities. The proceeds of our small achievements stay with us. In one way and another they are almost entirely spread among our neighbors and business associates. The harvest you reap goes elsewhere. And when the harvest ends, you go with it.

Please do not tell us again about your contributions to our communities and states in taxes, public works and doing good. We are grateful that many of your fine people have given much of their time, effort, and money to local and regional projects.

But on the corporate level you clog our courts with your reluctance to pay taxes. You subvert the interests of our politicians with contributions we cannot hope to match. Your money warps our legislative process. Our officialdom is constantly reminded that those who play your game go on to greater awards than those who act only in the public interest. And this they do.

On more specific levels of business, the differences are clear cut. We censure you for none of these. We simply want them to be recognized for what they are without a lot of double talk.

It is to your interest to pay as low a price as possible for crude oil, and that is what you do. It is to our interest to get as high a price as possible.

Your prime interest once was to import all the crude oil you could. It still is, but it is now tempered by your greater desire to protect your domestic manufacturing and marketing investments and obstruct new entrants into the petrochemical and refining field. So you shout murder in Machiasport because it takes in one bite what you had planned to take in little nibbles; and you hoodwinked us into taking your side. The real issue revolves around a quarrel among petroleum buccaneers as to how to divide up the foreign oil booty.

Our interest, and we believe it happens to be the public interest, lies in restricting foreign oil imports to the levels necessary to supplement domestic production.

We credit your political infiliuence to the design of a mandatory import system through which all quotas were given to refiners. Knowing better, you sold the idea that the benefits would flow down to producers. Then, through your subjective monopoly, you put a rock on crude prices for 10 years. It was a clever way to make a lot of money, ruin the domestic industry and run your country out of oil.

We remember when the depletion allowance was modernized to encourage domestic oil finding. Its benefits then were about equal. Then you used it to finance foreign development and make a give-away out of it. Now it is a gold mine for you and virtually nothing to us. You have spoofed the President of the United States into going on record favoring it, but we hope that you remember and he remembers that he has at no time specifically inferred that it should be applied to foreign production.

Now, with tax reform under way, there is a cry for blood-letting from the petroleum industry. You are making sure that it is our blood, not yours. So your people are going around with the word that tax demands may be satisfied by cutting off intangible drilling expense. This, you know, would wipe us out.

Your propaganda machines are now telling us that this is not so, that your foreign tax allowance and credits are as nothing. Then why fight it? With a set of exclusive figures lifted out of the most carefully guarded books in the world you purport to show that you are paying adequate taxes. You even claim in these the $7.5 billion paid by the public and in the form of excise taxes. What is so damning about your bookkeeping that it cannot stand the light of day?

Here in Kansas, we have been trying to straighten out the property tax mess. We are willing to pay higher taxes if we can get an equitable statewide system of production taxes. We do not have the means to trek about from county to county every year to straighten out inequities. You have lawyers with nothing else to do. So when we gather with our legislators to work out something that would benefit the industry and the public, you send in your Midcontinent Oil & Gas Association attorneys, to confuse the issue and fill our legislators with doubt.

We have another complaint that has never been voiced. Not content with ordinary political propaganda maneuvers, you invade public institutions other than our political parties. The state commissions, still thought by old fashioned economists to be price-setting mechanisms, are your supply-setting valves. They believe what you say and do what you say—with a low bow to their nominal constituents.

The Interstate Oil Compact Commission, following the politically acceptable and profitable line that wells up from regulatory officials, repeats your propaganda line for line. The governors, ignorant or ambitious, give notibility to your goals. At the recent meeting in Wyoming, despite every reason to hope for an espouse a revival of domestic production in their states, the IOCC members effectively rubberstamped tax and import policies that would leave things exactly as they are, under your ambitious domination. Through a different route you get the same results from the Independent Petroleum Association of America.

Wherever power, money and threats will obtain allegiance, you obtain it. The conventions and pronouncements of the American Association of Petroleum Geologists, a great scientific body, are beginning to sound like waterfront precinct meetings. The American Association of Petroleum Landmen is dedicated to proving your worth. You have terrorized almost all of the marketing and jobbing associations into rubberstamping your doctrines. The National Petroleum Council serves as your point of government infiltration and outright government-industry job swapping. The American Petroleum Institute is your body and soul and the focal point of your political and ideological collusion.

You are not content with this. Your American Petroleum Institute floods our civic organizations with its propaganda. Shockingly, you even extend this to our schools, where our children are exposed to indoctrination in the beliefs that could insure the acceptibility of your domination forever. Our schools are full of your literature and heroic charts and posters which drum into our kids your claim that your corporations—not ordinary mortals—are the fountainhead of all good things. Your API openly brags about this and recounts its success in terms of tons of propaganda successfully fobbed off on unsuspecting educators. We wonder if you would approve of the beer industry doing this.

After all these charges, you will be amazed to know that we nonetheless recognize your remarkable virtues. You have provided the world with immense and efficient corporate structures. These provide the only adequate means of assembling the effort and technology necessary to find and distribute the world's energy resources.

But in doing this you have been contami-

nated by the corruptions of power. You have acquired the insane idea that in order to serve the world the world must serve you. Let us set you straight while you remain in one piece: It is you who must accommodate yourselves to the requirements of living among us—not contrawise.

So as a starter, we ask you to remove yourselves from our political and trade groups and public institutions. We want you to speak up forthrightly and honorably, but in your own behalf, not ours. We want you to do this now, when it may still be done gracefully. Gentlemen, if you don't we will throw you out. We may even decide to take you apart. In dealing with us you have overlooked one thing—when the chips are down, we are a part of the people.

THE INDEPENDENT INDEPENDENTS.

THE ABM SYSTEM

Mr. GORE. Mr. President, the June 13 issue of the New York Times carried a full-page advertisement, sponsored by the Citizens Committee for Peace with Security, which stated in the headline "Eighty-four Percent of All Americans Support an ABM System." The advertisement went on to state:

A nationwide wide opinion poll representing adults throughout the continental United States reveals overwhelming support for a U.S. Anti-Ballistic Missile defense system. . . . Only 8% believe that no ABM system is needed.

I was most interested to read 1 week later in the New York Times, on June 20, a letter to the editor signed by six past presidents of the American Association for Public Opinion Research. These six gentlemen referred to the June 13 advertisement and said that the statement that 84 percent of all Americans support the ABM system "is by no means proved on the basis of opinion poll results presented in the advertisement." They noted that the questions were framed in a manner bound to elicit a favorable response and they commented that: "The use of such a poll to provide an appearance of overwhelming public support for a partisan cause must be damaging to the professional standards of opinion research."

I ask unanimous consent that the letter to the editor of the New York Times which appeared in the June 20 issue of that newspaper be printed in the RECORD.

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

ABM POLL QUESTIONED

To the Editor: A full-page advertisement in The Times of June 13 sponsored by the Citizens Committee for Peace With Security is headlined, "84 per cent of all Americans support the ABM system."

Whatever the merits of the proposed ABM, this statement is by no means proved on the basis of opinion poll results presented in the advertisement. The answer to the three questions reported shed little light on the true state of public information and opinion on the complex issues of nuclear defense.

There is no indication as to the extent of public knowledge about what ABM is or means, and the questions are framed in a manner which is bound to elecit a favorable response.

The use of such a poll to provide an appearance of overwhelming public support for a partisan cause must be damaging to the professional standards of opinion research. Beyond that it must also raise serious questions about the credibility of the arguments being used by proponents of the ABM.

RAYMOND A. BAUER,
LEO BOGART,
CHARLES Y. GLOCK,
HERBERT HYMAN,
HERBERT E. KRUGMAN,
PAUL SHEATSLEY.

(NOTE.—The writers are all past presidents of the American Association for Public Opinion Research.)

NO LEGAL CONFLICT OF INTEREST WITH FORCED LABOR CONVENTION

Mr. PROXMIRE. Mr. President, the International Year for Human Rights, 1968, came to a close with the United States once again having failed to ratify the Abolition of Forced Labor Convention. One of the major areas of contention that opponents of the Forced Labor Convention have been raising concerns the convention's wording in regard to just what is and what is not permitted in relation to labor strikes. Obviously, the men who participated in the drafting of this convention, delegates to the International Labor Organization's 1957 world conference in Geneva, were individuals primarily concerned with guaranteeing the rights and privileges of man. Hence, they would not have constructed a convention which in anyway would have sent people to jail or tolerated sending people to jail for legal strikes. Clearly, then, this is not the purport of the convention.

On the other hand, it is entirely plausible to consider that this convention was not intended to completely eliminate or preclude applying legal sanctions for certain types of labor dealings. For example, as Arthur J. Goldberg, an authority in labor law and former Secretary of Labor in the Kennedy administration, testified during hearings before a Human Rights Subcommittee of the Foreign Relations Committee:

This convention would have no application to criminal sanctions for violations of court orders such as those commonly issued under the National Labor Relations Act. When you are sent to jail by a court for violating an injunction which is properly issued under the National Labor Relations Act, even though that injunction may under the statute prohibit certain types of strike activity, you are not sent to jail for engaging in a strike. You are sent to jail for violating a court order. You are sent to jail for what we lawyers call contempt of court, and there is nothing in this convention which would prevent that. In addition, this convention does not cast any doubt on punishment for illegal activities, although those illegal activities take place at the time a strike occurred. There is no immunity under our laws, and there is no immunity under this convention for an assault which would take place, for example, in connection with a perfectly legal strike. What you are then charged with is not exercising your constitutional right to conduct strike activities; what you are sent to jail for under those circumstances, and something about which no law-abiding citizen can complain, you are sent to jail for violating our criminal statutes relating to assault.

Mr. President, I have the utmost of faith in Mr. Goldberg's knowledge and interpretation of our legal structure. If he does not believe that there will be a conflict of interest in adopting this convention, then I explicitly trust his judgment. More importantly, however, we have a pressing moral obligation to ratify this convention. By our failure to previously act upon or even to consider this Forced Labor Convention, we are guilty of having committed a most salient paradox. For the United States was one of the countries which played an important part in drafting it. To those citizens dedicated to the cause of promoting human dignity and decency, such an enigmatic state of affairs can only appear perplexing and frustrating.

Mr. President, our country has come a long way with regard to guaranteeing basic human liberties and freedoms. Yet, many would agree it can go even further. There are many people around who would like and need the reassurance that our Government has not forgotten that there is much more which can be accomplished. We have held ourselves up as the symbol of the free world, dedicated to safeguarding the basic rights of every human being, regardless of his race, creed, religion, or ideological views. To remain consistent with our guiding principles, the United States must start ratifying these Human Rights Conventions before us.

NATION'S ROADBUILDERS MOVE TO PROTECT THE ENVIRONMENT

Mr. RANDOLPH. Mr. President, as chairman of the Committee on Public Works, and as an individual Senator, I report a historic and significant meeting between parties which have long had misunderstandings over environmental quality.

On June 16, the American Road Builders' Association sponsored an informal meeting at which representatives of highway interests and historical preservationists sat down together to begin clearing away roadblocks on the way toward a mutual agreement on protecting our environment. Preservationists from both the public and private sectors attended the meeting with the director of the Bureau of Public Road and represenatives of the American Association of State Highway Officials.

ARBA, therefore, serves as a sounding board for enlightened highway programing with members from different segments of the industry.

The roadbuilders agree that critical to an effective and well-balanced highway program today are the new concepts of environmental quality, preservation and improvement which must somehow be woven into traditional cost-effectiveness formulas. These very concepts had their genesis in the Federal-Aid Highway Act of 1968, as exemplified in the section providing for preservation of the natural beauty of the countryside, public parks and recreation lands, and historic sites.

I compliment ARBA and other organizations and persons, for these creative first big steps toward bringing the high-

way industry in accordance with the principles in that act and also S. 2391, the "Environmental Quality Improvement Act of 1969." I cosponsored the bill earlier last month with 40 Senate colleagues.

Future meetings between historical preservationists and conservationists and the roadbuilders are being planned. I hope and expect that there will be continued cooperation between those who must build for convenience and service of society and the groups concerned with protecting and improving the quality of our environment.

VIETNAM

Mr. FULBRIGHT. Mr. President, Prof. James L. Clayton of the University of Utah recently testified before the Subcommittee on Economy in Government of the Joint Economic Committee concerning the costs of the Vietnam war. Professor Clayton estimated that ultimate cost of the war, assuming "a major deescalation at the end of this year and total withdrawal next year, will be about $350 billion," when the interest on the national debt and the costs of veterans programs are included. In other words, Professor Clayton predicts that the Vietnam war will actually cost American taxpayers over three times as much as the official Department of Defense estimate, $110 billion by the end of the next year.

Professor Clayton tried to put the $350 billion price tag in perspective.

Compared with other federal expenditures during the same period of time the war has been on (fiscal year 1960–1970)—

He said—

the war in Vietnam has cost 10 times more than Medicare and medical assistance, 14 times more than support for all levels of education, and 50 times more than was spent for housing and community development. We have spent several times more money in Vietnam in ten years than we have spent in our entire history for public higher education or police protection. Put another way, the war has cost us more than one-fourth of the value of current financial assets of all living Americans, a third again as much as all outstanding home mortgages, and seven times the total U.S. money now in circulation.

Unfortunately, Professor Clayton's analysis received scant attention in the press. I believe that the facts he presented deserve wide attention, and I ask unanimous consent to have the text of his statement printed in the RECORD at this point.

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

ON THE ULTIMATE COST OF THE VIETNAM CONFLICT

(By James L. Clayton, University of Utah)

Except for World War II, the Vietnam Conflict is by far the most expensive war in American history. This is true whether measured by initial costs or by ultimate costs. In terms of initial dollar costs, the Vietnam War, *according to Department of Defense figures, will have cost $110 billion by the end of the next fiscal year. This $110 billion figure is already twice as high as the initial cost of the Korean War and more than four times higher than the original cost of World War I* (*see Table 1*).

But the most striking thing about the cost of the war in Vietnam is *that the greatest costs are yet to come.* If history is an accurate guide in these matters—and we have no other—the expenditures of veterans' benefits over the next century will cost at least fifty percent more than the initial cost of the war itself. Twenty percent of our adult population are war veterans, and almost half our population is potentially eligible to receive some kind of veterans' benefits. The cost of their support (including dependents and survivors) in recent years has been between the third and fifth most expensive item in the federal budget, and since 1950 the annual average value of veterans' benefits has been increasing at a rate of 20 percent per decade. Add to these veterans' benefits the annual interest payments on debt incurred owing to the Vietnam War, and the ultimate cost of that involvement will probably be about *three times* its initial cost. This kind of accounting is seldom if ever mentioned in the debates about the war.

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Measuring the monetary costs of any war is an extremely difficult but not impossible task. The Executive Office of the President has, however, made a valiant attempt to ascertain the costs of the Vietnam War since 1965. Its findings are printed in the 1970 *Budget of the United States Government* (p. 74). According to these official estimates, in fiscal 1970 the Vietnam war will eat up 13 percent of all federal expenditures, and will have cost a total of $108.5 billion since 1965. But these figures do not tell the whole story. Actually, only about $100 billion of the federal budget is relatively controllable. The remainder is already committed or in trust funds. Of this $100 billion, no less than 80 percent is accounted for by national defense. Since the Vietnam war accounts for 32 percent of the 1970 defense budget, in terms of what the government actually can spend in that year, the Vietnam war is really costing us 25 percent of all possible expenditures, not 13 percent as the official figures indicate. This 25 percent figure, it should be noted, is based on a projected deescalation in Vietnam costs estimated at $5 billion under 1969 costs. It is further assumed that the big increases are over. But that is what we were told in 1968 and costs *increased* $2 billion. If the war in fact continues at its present rate, almost a third of our federal disposable budget will be committed to Southeast Asia. If the war escalates, the ratio could easily go to one-half.

The official figures also underestimate the costs of the war in other ways. Only the number of American personnel actually stationed in South Vietnam is generally reported. This figure is now at approximately 532,500. Since 1967, however, there have been at least 77,000 Americans stationed in Thailand or serving off-shore as support forces for the Vietnam Conflict. This would bring the total in the *immediate* war zone to 634,000. In addition, there are over 250,000 "backup" men in the U.S. and elsewhere who are probably not counted in cost estimates, bringing the total number of men committed to the war closer to 884,000. These additional personnel obviously add additional costs.

Moreover, for reasons that have not been made clear the official figures only measure costs since 1965. But Americans have been stationed in Vietnam since 1954, and combat troops have been killed since July, 1959. Between 1954 and 1964 there were a total of 58,885 men stationed in Vietnam, assuming a one year tour of duty. The cost of supporting these men is not included in the official estimates either. At $25,000 per man year—a figure suggested in 1967 by Robert Anthony, formerly Assistant Secretary of Defense, as the actual cost of supporting one GI in Vietnam—this would increase the overall war costs by $1.5 billion. If veterans' benefits and interest costs on the war debt were included, the cost of supporting one GI in Vietnam would be closer to $75,000 per year.

Focusing on short-run costs is not nearly so informative, however, as looking at long-term war costs. The pattern of long-term costs clearly indicates that the largest money costs of war come long after the fighting stops. This fact is not widely appreciated today. The basic reason for this pattern is that veterans' benefits for our first five major wars—payments that are now virtually complete—have averaged more than three times the original cost of those wars. The projected increase in benefits for veterans for wars fought during the past century, although varying widely in their total impact, are equally large. To illustrate, the estimated original cost of the Civil War is $3.2 billion (Union Forces only). This estimate is based on the expenditures of the Departments of the Army and the Navy for the years 1862 through 1866. Veterans' benefits for that war to 1967 have amounted to $8.6 billion, or an increase over the original cost of 265 percent. Projected veterans' benefits for World War I, World War II, and the Korean War—assuming today's laws and no increased coverage—will increase the original cost of those wars by 290 percent, 100 percent, and 184 percent respectively.

This statement needs elaboration. If one measures the original cost of our three earliest wars—the American Revolution, the War of 1812, and the Mexican War—as the amount of money spent by the Departments of the Army and Navy during the war years, one finds that each of these wars cost between $73 and $100 million (see Table 1). Veterans' benefits then began to be paid out and climbed steadily, peaking in the case of the War of 1812 some 68 years later. These benefits continued to be paid for the War of 1812 until 1946, 131 years after that war ended! Veterans' benefits for the Mexican War did not drop below $1 million per year until this decade, and did not stop until five years ago. This unusual phenomenon is best explained by an example. Suppose a drummer boy, age 14, became a soldier in 1861 and was disabled in that war. Suppose also that he married late in life, at say age 60 or in 1907. Suppose further that his wife was age 25 at marriage and that at age 30 she bore him a child that was mentally or physically incapable of supporting himself. That child would be 57 years old today and still drawing benefits—over a century after the war ended. In 1967 there were 1,353 such dependents of deceased veterans of the Civil War still drawing benefits amounting to more than $1 million dollars annually, a fact which suggests that this example is not far-fetched.

A look at veterans' benefits projected for more recent wars is also instructive. To 1967 veterans benefits for the Spanish-American War cost $5.3 billion, or *thirteen times* the original cost of that war. Moreover, the peak of these post war costs did not come until 51 years after the war ended. World War I veterans' benefits probably peaked three years ago or 49 years after that war ended. World War II veterans' benefit will probably peak at the turn of this century, and dependents of veterans of the Vietnam Conflict may be drawing benefits until the 21st century!

It should be emphasized that these projections are not precise. Over time, such benefits rolls tend to be more inclusive and the pay-

ments tend to go higher. What should be emphasized, however, is that veterans' benefits in the United States are the most liberal in the world, that as veterans reach 65 years of age a majority of veterans are covered regardless of disability (52% of World War I veterans and 90% of Spanish American war veterans are now receiving some kind of compensation), and that, except for service connected disability, the veterans' claims to preferential treatment, although justifiable in the past, is tenuous at best today.

It should be further emphasized that these benefits have acted as an enormous transfer payment to this sector of the population. Partly owing to educational subsidies, veterans are generally better educated than nonveterans. Their median educational level in 1967 was 12.3 years as opposed to 12.0 for the population as a whole. For post-Korean veterans the level was 12.6. The median 1966 income of war veterans who had completed college was $10,900. For non-veterans it was $9,510. The employment data for veterans also reflects this higher status, in part because of their educational attainments and in part because of laws favoring veterans' job security. Only 2.2 percent of veterans were unemployed in the first quarter of 1968, versus 3.8 percent for the civilian labor force as a whole. The incidence of poverty among veterans and non-veterans is even more striking. In 1966, 13.8 percent of all families had incomes below $3,000 Only 6.6 percent of veteran families had incomes that low. For post-Korean Conflict veterans that figure was 3.7 percent. Clearly, wars (and more especially their aftermath) can be profitable to those who have participated in them.

Next to veterans' benefits the interest costs on money borrowed to fight our major wars is the most significant long-range cost. Again, any attempt to measure actual interest costs is extremely difficult, if not impossible. Still, the patterns of interest costs are instructive. Overall, these costs have probably ranged from 15 to at least 40 percent of the original cost of the war itself. These costs are conservatively estimated as follows: Most of the national debt during the early years of our Republic were Revolutionary War debts. If only two-thirds of the interest on that debt between 1790 and 1800 is taken as a fair estimate, then the cost of the Revolutionary War is increased by about one-fifth. One-half the increase in interest payments on the national debt from 1816 to 1836, when the debt was paid out, would increase the 1812 war costs by about 15 percent. Interest costs for the Mexican War are within a similar range.

Prior to the Civil War, interest on the public debt was less than $4 million. During that war it jumped from $4 million in 1861 to 144 million in 1867. Interest payments then fell gradually for the next 25 years and then leveled off at about $30 million annually. Since very few federal programs adding to the deficit were undertaken during these laissez-faire oriented years, we may assume that most of these interest payments are attributable to the Civil War. In all, interest payments raised the price of the Civil War by about one-third. That "splendid little war", the Spanish-American War, required a loan of $200 million. Americans rushed to buy war bonds, but they were soon in the hands of a few individuals and corporations and were still being paid off by the time the next war came along.

Interest costs for World War I have been much more carefully figured than for earlier wars. Some years ago, John M. Clark, in a book entitled *The Costs of the World War to the American People*, calculated the original cost of that war, and the U.S. Treasury figured the interest costs to 1929 at $9.5 billion. Total interest costs eventually amounted to about $11 billion, or approximately 42 percent of the original cost.

Henry C. Murphy, is his book *National Debt in War and Transition* has shown that the federal government borrowed about $215 billion at 2½ percent interest per annum to finance World War II. That debt has not been paid off. Indeed, at no time since 1946 has the gross public debt fallen below $252 billion, and it has been increasing rapidly in recent years owing to Great Society programs and the Vietnam War. World War II has already cost us about $200 billion in interest payments, assuming an annual interest rate on the unpaid balance of four percent. This figure is now 70 percent of the original cost and suggests that war costs are going up rapidly—largely because we do not even attempt to retire the original debt.

The Korean War added about $10 additional billions to our war debt. In 1951 our gross public debt was $255 billion; in 1955 it was almost $275 billion. If one-half of that increase is attributable to the Korean War, then in 25 years at 4 percent the interest costs on the Korean War will have amounted to $10 billion also (assuming the same pattern of non-payment of principal as in World War II).

II

The point of this exercise in figures is to give us some idea of what we might reasonably expect the war in Vietnam to cost us based on the experience of the past. Using the pattern of veterans' benefits paid out for the Civil War, World War I, World War II, and the Korean War as a guide, we may expect the Vietnam Conflict to eventually cost us about 200 percent of the original cost, all other things being equal. This figure is conservative, however, because a much higher percentage of Vietnam veterans are using their educational benefits now than in previous wars, and life expectancy is increasing. Benefits also tend to be more inclusive with time and rise with the cost of living. The present cost of these benefits is about $130 per year per family, and this figure does not include mortgage guarantees or substantial state aid to veterans. Regarding interest costs and using the Civil War and World War I as guidelines, we may fairly expect interest rates of the Vietnam war to cost at least 20 percent of the original cost and possibly as much as 40 percent. In short, 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 (see Table 4).

It should be emphasized that this is a conservative figure and measures only the direct major monetary costs. 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 destruction to the South Vietnamese Civilians in the war zone itself.

The estimated ultimate cost of the Vietnam War is so high it boggles the mind unless placed in perspective. How much money is $350 billion? Compared with other federal expenditures during the same period of time the war has been on (fiscal year 1960–1970), the war in Vietnam has cost 10 times more than Medicare and medical assistance, 14 times more support for all levels of education, and 50 times more than was spent for housing and community development. We have spent several times more money on Vietnam in ten years than we have spent in our entire history for public higher education or for police protection. Put another way, the war has cost us more than one-fourth of the value of current personal financial assets of all living Americans, a third again as much as all outstanding home mortgages, and seven times the total U.S. money now in circulation.

III

Looking back over the cost of wars in American history, there seems to be an evil nemesis dogging our destiny. Each of our major wars (the Civil War, World War I, and World War II), during the past century have initially cost about ten times more than the previous wars, if indirect as well as direct costs are included. The Civil War initially cost more than $3 billion, World War I $33 billion, and World War II about $381 billion. Since World War II, our major conflicts have tended to *double* in price. Korea cost $54 billion and Vietnam to date has cost $110 billion. Total federal expenditures, moreover, have tended to increase four to five times after each major war. In the case of Vietnam, government expenditures to date (1960–1969) have doubled. Unless we drastically reverse this trend and significantly reduce our current military expenditures, war will soon be simply too expensive to contemplate and governments too cumbersome to endure.

TABLE 1.—HOW VETERANS' BENEFITS INCREASE WAR COSTS

[Dollars in millions]

War	Original cost [1] (major national security expenditures)	Veterans' benefits to 1967 [2]	Number of years following war veterans' benefits [3]		Estimated total benefits under present laws [4]	Veterans' benefits as a percentage of original war costs
			Peaked	Ended		
American Revolution	$100	$70	([5])	128	$70	70
War of 1812	93	49	68	131	49	53
Mexican War	73	64	43	116	64	88
Civil War (Union only)	3,200	8,567	60	113	8,580	265
Spanish-American War	400	5,256	51	----------	6,000	1,500
World War I	26,000	39,854	49	----------	75,000	290
World War II	288,000	76,767	----------	----------	290,000	100
Korean conflict	[6] 54,000	12,863	----------	----------	99,000	184

[1] Based on expenditures of the Departments of the Army and Navy to World War I and major national security expenditures thereafter. Usually the figures begin with the year the war began, but in all cases they extend 1 year beyond the end of actual conflict See Hist. Stat. of the U.S., 1960 ed., pp. 718–720.

[2] 1968 Stat. Abst., p. 266.

[3] Veterans Administration, annual reports.

[4] To World War I estimates are based on Veterans' Administration data. For the last 3 years estimates are those of the Bradley Commission plus 25 percent (which is the increase in the average value of benefits since the commission made its report). See especially "Veterans' Benefits in the United States," President's Commission on Veterans' Pensions, 1956, pp. 110–117.

[5] Unknown.

[6] Assumes 5,700,000 men served an average of 19 months at $2,835 personnel costs per man-year, $2,723 operation and maintenance costs per man-year, and procurement costs totaling ⅓ the increase over previous years. Averages were based on the number of servicemen divided by the defense budget for each year.

TABLE 2.—HOW WAR LOANS AND INTEREST PAYMENTS INCREASE WAR COSTS

[Dollars in millions]

War	Original cost [1]	Estimated total costs on war loans		Interest payments as a percentage of original costs
		Principal	Interest	
American Revolution	$100	[2] $64		([3])
War of 1812	93	[4] 109	[5] $16	17
Mexican War	73	[6] 49	[7] 10	14
Civil War (Union only)	3,200	[8] 2,600	[9] 1,172	37
Spanish-American War	400	[10] 200	[11] 60	15
World War I	26,000	[12] 21,400	[13] 11,000	42
World War II	288,000	[14] 215,000	([3])	([3])
Korean conflict	54,000	[15] 10,000	([3])	([3])

[1] See table 1, note 1.
[2] Treasury Department estimate in C. F. Childs, "Concerning U.S. Government Securities" (1947), p 405.
[3] Unknown.
[4] See D. R. Dewey, "Financial History of the United States" (1939), p. 134; and Studenski and Krooss, "Financial History of the United States" (1952), p. 79.
[5] ½ of the annual increase of interest on nation debt over $2,500,000 (average rate prior to war), 1816–36.
[6] Childs, p. 30.
[7] ½ the annual increase of interest on national debt over $1,000,000 (average), 1845–59.
[8] Ibid., p. 46.
[9] ½ the annual increase of interest on national debt over $4,000,000 (average), 1861–91.
[10] Dewey, p. 467.
[11] Estimated at 3 percent per year for 10 years on the total balance since much of this debt was refinanced.
[12] Studenski and Krooss, p. 291.
[13] The interest on World War I war debts in 1929 had reached $7,000,000,000, according to the Treasury Department, and was costing $663,000,000 annually. At the then current rate of payment, approximately $4 in additional interest would have been paid out. See John M. Clark, "The Costs of the World War to the American People" (1931), p. 297.
[14] Henry C. Murphy, "The National Debt in War and Transition" (1950), ch. 18.
[15] The U.S. public debt increased $16,000,000,000 between 1951 and 1954. It is assumed that $10,000,000,000 of this increase was owing to the Korean war.

TABLE 3.—*The ultimate cost of the Vietnam conflict**

[In billions of dollars]

1. Original cost:	
a. Major national security expenditures for the Vietnam conflict, 1965–70 (fiscal years)	108.5
b. Cost of supporting American personnel in South Vietnam, 1954–64, at $25,000 per man per year	1.5
Total	110.0
2. Veterans' benefits:	
a. Low estimate: 100 percent of original cost	110.0
b. Medium estimate: 200 percent of original cost	220.0

TABLE 3.—*The ultimate cost of the Vietnam conflict**—Continued

[n billions of dollars]—Continued

2. Veterans' benefits (continued):	
c. High estimate: 300 percent of original cost	330.0
3. Interest on war debt:	
a. Low estimate: 10 percent of original cost	11.0
b. Medium estimate: 20 percent of orginal cost	22.0
c. High estimate: 40 percent of original cost	44.0
4. Total:	
a. Low estimate	231.0
b. Medium estimate	352.0
c. High estimate	484.0

*Assumes the war ends in fiscal 1970. Occupation costs are not included.

SOURCES.—Tables 1 and 2.

TABLE 4.—THE COST OF AMERICAN WARS, BY RANK

[In millions]

War	Estimated initial cost [1]	Total veterans' benefits	Estimated interest on war loans	Estimated ultimate cost
World War II	$288,000	$290,000	[2] $86,000	$664,000
Vietnam conflict	110,000	[3] 220,000	[3] 22,000	[3] 352,000
Korean conflict	54,000	99,000	[4] 11,000	164,000
World War I	26,000	75,000	11,000	112,000
Civil War (Union only)	3,200	8,580	1,172	12,952
Spanish-American War	400	6,000	60	6,460
American Revolution	100	70	[5] 20	190
War of 1812	93	49	16	158
Mexican War	73	64	59	147

[1] Major national security expenditures.
[2] Assumes an interest rate of 40 percent of original cost, on approximately the same rate of increase for the Civil War and World War I.
[3] Medium estimates, see table 3.
[4] Assumes an interest rate of 20 percent of original cost.
[5] Assumes an interest rate of 20 percent of original cost.

Source: Tables 1–3.

TRUTH IN PACKAGING

Mr. HART. Mr. President, today is the day that truth in packaging—more formally known as the Fair Packaging and Labeling Act—goes into effect.

That should be no great news flash—except for the past 4 months various publications and even consumer champions have been condemning the law for its ineffectiveness. Obviously, it is news to them that lackadaisical implementation has resulted in this enforcement.

The question of just when consumers can expect the help Congress promised in enacting this law in November 1966 was further clouded last week when the Federal Trade Commission announced it was delaying the effective date of its share of regulations.

The 11th-hour delay resulted, I understand, because a number of manufacturers of various products are suing the Federal Trade Commission for promulgating regulations which they contend go beyond the intent of Congress. While that FTC decision looks on the surface as a terrible setback for the law—and consumers—I suspect it really is not quite as bad as it looks.

For, obviously, by last week manufacturers who were going to comply with the July 1 deadline had taken the steps necessary to do so.

The ones who were arguing about the matter were not in compliance anyhow.

The FTC decision does, in effect, tie the hands of State officials who could have moved against manufacturers who had not complied by July 1.

How far reaching that effect is, I could only guess.

The thing that troubles me most about the whole truth-in-packaging saga is the treatment the law received since its enactment.

We all recall how, after about 5 years of strong controversy in Congress, the law was finally passed—almost unanimously—by both Houses. The vote seemed a mass conversion with diehard opponents suddenly giving testimony for the grand cause of consumerism.

It soon became apparent that all was not what it seemed to be.

The spotlight shifted to other corners. The heat was off from consumer groups who thought the war—not just the battle—was won. And spots reappeared on the leopards.

When the agencies who were ordered by Congress in its burst of consumer protectionism to implement the law came asking for really minuscule appropriations to finance the drafting of regulations, they were turned down.

Further, they were ordered—yes, not advised but ordered—to give low priority to implementing the law.

And consumers never knew what hit them—or who dashed the great hopes they had for this, the first law designed to protect their economic interests.

So who has been blamed for the "ineffectiveness" of the law over the past 18 months?

Not a "who" but a "what." The law itself has been criticized for not being a panacea for all consumer ills.

To an extent that criticism has some foundation. Truth in packaging was never intended as a panacea. All it is supposed to do is give the consumer sufficient information to allow him to make more rational buying decisions in the supermarket than he has been able to.

It offers no guarantee of quality—or warranty—or replacement—or that consumers will make the best decision in each case.

But what it does offer has been denied the consumer by a series of subterfuge, delay, and frustration.

This is the saga of truth in packaging that consumers should understand. Once they do, they may direct their disappointment and frustration in the right direction.

That direction, in my opinion, is not at the law itself.

There is no trickery or sleight-of-hand in the language of the law. It can do today exactly what it claimed to be able to do on November 3, 1966, when it was heralded so grandly on enactment.

That is all—no more and no less.

But it has not been able to do even that much because many of its so-called friends turned against it—and others neglected to show any interest in how it was being tended and cared for.

Even at that, today the first regulations of the law are effective. Because the Food and Drug Administration does have jurisdiction for the bulk of the products in the supermarket, consumers can now expect to find out how much, of what, is in a box without standing on their head or engaging in higher mathematics.

For this step, I am grateful.

Also, I am happy to see that as of today the number of sizes of packages for 22 product lines have been reduced from 20 to 91 percent. These standards, worked out by the Department of Commerce with industry, include dry cereals, detergents, facial tissues, green olives, instant coffee, and cooking oils.

Mr. President, I ask unanimous consent to have entered in the RECORD at the conclusion of my remarks a list of the 22 products and of one other for which standards will be effective October 1, 1969.

Commerce tells me that these products—along with standards in process of being promulgated—will cover 65 percent of annual supermarket expenditures by consumers.

Needless to say, I wish them "God-speed" in finalizing the standards in process.

And I, with many consumers, will be watching the impact of the regulations that take effect today. It seems this is the appropriate time to begin evaluating how good a job the law can do for consumers.

I am hopeful that it will be helpful in many ways. But I am not averse to coming in here in a reasonable period of time to suggest ways to improve it—after it has been tested.

Nor am I averse to doing what I can to overcome the undercutting of Congress which has held up implementation of this much of the law and which leaves us today with so much of it unimplemented.

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

PACKAGE QUANTITY STANDARDS

Product	Simplified quantity patterns	From—	To—	Percent reduction	Date effective
Adhesive bandages	Total number per package to be in multiples of 10—from 10 to 100	37	10	73	June 30, 1969.
Dry breakfast cereals (except individual servings)	Packaged in whole ounces only—no fractional ounces	33	16	52	Jan. 1, 1969.
Cheese: American type (including Cheddar), swiss, low moisture Mozzarella, Provolone, cream, brick and Muenster, pasteurized process cheese, pasteurized process cheese food, pasteurized process cheese spread.	0 to 4 oz. packages—no limits 4 to 12 oz. packages—1 oz. increments 12 to 24 oz. packages—4 oz. increments (except 13¼ oz.) 24 to 48 oz. packages—8 oz. increments	22	14	36	July 1, 1969 (estimated).
Cookies and crackers	0 to 4 oz. packages—no limits 4 to 8 oz. packages—¼ oz. increments 8 to 16 oz. packages—½ oz. increments Over 16 oz. packages—1 oz. increments	73	56	23	Jan. 1, 1969
Dry detergents (heavy duty and normal density, 1 to 8 lb. range).	20, 22, 49, 54, 84, and 92 oz.—6 quantities, 3 carton sizes	24	6	75	In effect.
Facial tissues	40 to 100 count package—10 count increments 100 to 200 count package—25 count increments 200 to 300 count package—50 count increments 300 to 500 count package—100 count increments Exceptions: 280—140 until Jan. 1, 1972.	16	13	19	July 1, 1969.
Gift wrapping	10 to 50 sq. ft. per package—whole square feet increment 50 to 100 sq. ft. per package—5 sq. ft. increment Over 100 sq. ft. per package—10 sq. ft. increment	(1)	(1)	(1)	Oct. 1, 1970.
	Minimum sheet length: Paper / Foil / Luxury Maximum core diameter: 1½ in.—27 in. / 27 in. / 27 in. 2¾ in.—20 ft. / 8 ft. / 4 ft. 3¼ in.—30 ft. / 12 ft. / 6 ft.	(1)	(1)	(1)	Oct. 1, 1969.
Green olives	0 to 4 oz. packages—½ oz. increments 4 to 10 oz. packages—1 oz. increments 10 to 16 oz. packages—2 oz. increments Over 16 oz. packages—21 oz. increments	50	20	60	July 1, 1969 (estimated).
Instant coffee	2, 4, 6, 8, 10, 12, and 16 oz.	10	8	20	Jan. 1, 1969.
Instant potatoes	0 to 4 oz. packages—¼ oz. increments 4 to 8 oz. packages—½ oz. increments 8 to 16 oz. packages—1 oz. increments 16 to 32 oz. packages—4 oz. increments Over 32 oz. packages—8 oz. increments Servings to be standardized at 4 oz	(1)	(1)	(1)	July 1, 1969 (estimated).
Instant tea	(100 percent type) 1, 2, 3, 4 oz. per package	12	4	67	In effect.
	(Carbohydrate type) 2, 4, 6, 8 oz. per package	7	4	43	Do.
Jellies and preserves	10, 12, 16, 18, 20, 24, 28, 32, 48, and 64 oz.	16	10	37	Do.
Macaroni products	0 to 8 oz. packages—1 oz. increments 8 to 16 oz. packages—2 oz. increments 16 to 32 oz. packages—4 oz. increments Over 32 oz. packages—1 lb. increments	32	16	50	July 1, 1969.
Mayonnaise and salad dressing	(Spoon type) 8, 16, 24, and 32 fluid oz.	5	4	20	In effect.
	(Pouring type) 8, 10, 12, 16, and 32 fluid oz.	7	5	29	Do.
Paper napkins	(1 ply) 40, 60, 80, 100, 140, 160, 180, 200, 250, and 70 and 150 are acceptable for 2 years—number per package; (2 and 3 ply) 40, 50, 60, 75, 100, and 180—number per package.	18	13	28	July 1, 1969.
Paper towels	(1 ply) 85, 100, 120, 140, and 165—square feet per package; (2 ply) 85, 100, 125, 170, and 200—square feet per package.	33	8	76	Do.
Peanut butter	6, 8, 12, 16, 18, 24, 28, 32, 40, 48, 64, and 80 ozs.	30	12	60	In effect.
Pickles	Whole fluid ounces	(1)	(1)	35	Do.
Potato chips	2 to 8 oz. packages—¼ oz. increments 8 to 12 oz. packages—½ oz. increments 12 to 20 oz. packages—1 oz. increments Over 20 oz. packages—4 oz. increments	(1)	(1)	33	July 1, 1969.
Powdered milk	3, 4, 5, 8, 10, 12, 14, and 20 qt.	11	8	27	July 1, 1969 (estimated).
Refrigerated dough products	0 to 4 oz. packages—no limits 4 to 8 oz. packages—½ oz. increments 8 to 16 oz. packages—1 oz. increments[2] Over 16 oz. packages—2 oz. increments	(1)	(1)	24	Jan. 1, 1970, except 10½ oz. package of cookies— Dec. 31, 1970.
Salad and cooking oils	12, 16, 24, 32, 38, 48, and 128 fluid oz.	15	7	53	Jan. 1, 1969.
School paste	2, 4, 8, 16, 32, and 128 oz.	(1)	6	(1)	
Soft drinks (individual and multi-unit packages)	(individual units) 6, 6½, 7, 8, 10, 12, 16, 24, 26, 28, 30, and 32 fluid oz.; (2 unit cartons) 48, 52, 56,60, and 64 fluid oz.; (3 unit cartons) 72, 78, 84, 90, and 96 fluid oz.; (4 unit cartons) 64, 96, 104, 112, 120, 128 fluid oz.; (6 unit cartons) 36, 39, 42, 48, 60, 72, and 96 fluid oz.; (8 unit cartons) 48, 52, 56, 64, 80, 96, and 128 fluid oz.; (10 unit cartons) 60, 65, 70, 80, 100, 120, and 160 fluid oz.; (12 unit cartons) 72, 78, 84, 96, 120, 144, and 192 fluid oz.	(1)	(1)	33	July 1, 1969.

See footnote at end of table.

PACKAGE QUANTITY STANDARDS—Continued

Product	Simplified quantity patterns	From—	To—	Percent reduction	Date effective
Syrups	Packaged in quantities divisible by 4 fluid oz	(1)	(1)	20	In effect.
Teabags	(Cup size) 8, 16, 48, 100 ta bags per package (maximum of 200 teabags per pound).	6	4	33	Do.
	(Quantity service size) 10, 12, 24 teabags per package (minmum of¼ oz. per teabag).	5	3	40	Do.
Toilet tissue	(1 ply) 500, 650, 850, and 1000 sheets per roll	5	4	20	July 1, 1969.
	(2 ply) 250, 325, 330, 375, 425, 450, and 500 sheets per roll	11	7	36	Do.
Toothpaste (normal density)	Quantity: 1.75 oz — Size characterizations: Personal.				
	3.25 oz — Medium.	57	5	91	Do.
	5.00 oz — Large.				
	6.75 oz — Family.				
	8.75 oz — Super.				

[1] No survey made. Percentages shown indicate estimates only.
[2] Exception: 9½ oz. is permitted for biscuits, dinner rolls, and sweet rolls. Dough portion separately or total net quantity of package will meet pattern for sweet rolls.

Note: Effective dates represent estimated production dates only. These simplified quantity patterns were developed through both the formal standards making procedures and informal industry-wide agreements. For more information concerning these standards, contact the Office of Weights and Measures, National Bureau of Standards, Washington, D.C.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES, APPROPRIATIONS, 1970

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11612, the appropriations bill for the Department of Agriculture and related agencies.

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

The BILL 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 consideration of the bill?

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

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum for a period of approximately 5 minutes for the purpose of alerting Senators to the fact that the morning hour has been concluded.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. 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. HOLLAND. Mr. President, we now have under consideration H.R. 11612, the annual appropriation bill for the Department of Agriculture and related agencies. Appropriations in the pending bill as recommended by the committee total $7,636,797,650, an increase of $830,142,650 over the House bill, an increase of $669,235,600 over the budget estimates, and $542,102,000 under the 1969 appropriations, exclusive of the second supplemental appropriation bill for 1969 (H.R. 11400), which is still pending in the conference committee.

Mr. President, the committee report, No. 277, accompanying the bill, provides an explanation by appropriation item of all changes recommended by the committee in relation to the budget estimates, the House bill, and comparisons with the prior year appropriations. In my statement, therefore, I shall deal only with those program activities of current general interest to most Members of the Senate.

We are completely willing to be questioned on any of the separate items; but in this original statement, I shall deal, as I have said, only with the large items of general interest to the Senate.

FOOD ASSISTANCE PROGRAMS

A year ago the conference committee recommended an acceleration of the regular school lunch and child feeding programs by adding $45 million for special feeding assistance, to be derived by transfer from section 32. The entire food assistance program carried out by the Department of Agriculture is shown on page 18 of the committee report.

Mr. President, I ask unanimous consent that the table appearing on page 18 of the report be printed at this point in the RECORD.

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

FOOD ASSISTANCE PROGRAMS 1969, ESTIMATES AND AMOUNTS RECOMMENDED FOR 1970

[In thousands]

	Fiscal year 1969 estimated	1970 revised budget	House bill	Senate committee
A. Child feeding programs:				
1. Cash grants to States:				
(a) School lunch (sec. 4)	$162,041	$168,041	$168,041	$168,041
(b) Special assistance (sec. 11)	10,000	44,800	44,800	44,800
(c) School breakfast	3,500	10,000	10,000	10,000
(d) Nonfood assistance	750	10,000	10,000	10,000
(e) State administrative	750	750	750	750
(f) Nonschool food program	5,700	10,000	10,000	10,000
(g) Special milk	103,314	----------	119,300	83,319
(h) Special sec. 32	43,941	89,000	89,000	89,000
Total, cash to States	330,046	332,591	451,891	415,910
2. Commodities to States:				
School lunch (sec. 6)	64,325	64,325	64,325	64,325
Sec. 32 [1]	80,500	90,411	90,411	90,411
Sec. 416	144,872	146,838	146,838	146,838
Total, commodities	289,697	301,574	301,574	301,574
3. Federal operating expenses:				
School lunch	2,161	3,100	3,100	3,100
Nonschool feeding	500	750	750	750
Special milk	681	----------	700	681
Total, operating expenses	3,342	3,850	4,550	4,531
Total, child feeding	623,085	638,015	758,015	722,015
B. Family feeding programs:				
1. Food stamp program	279,908	340,000	340,000	750,000
2. Direct distribution to families (regular program):				
(a) Sec. 32 [1]	142,141	225,028	225,028	225,028
(b) Sec. 416	116,539	140,000	140,000	140,000
Total, direct distributions to families	258,680	365,028	365,028	365,028
3. Nutritional supplement (special packages):				
(a) Special sec. 32—Food stamp areas	1,000	11,000	11,000	11,000
(b) Sec. 32 [1]	7,317	22,000	22,000	22,000
(c) Sec. 416	500	1,500	1,500	1,500
Total, special packages	8,817	34,500	34,500	34,500
Total, family feeding	547,405	739,528	739,528	1,149,528

FOOD ASSISTANCE PROGRAMS 1969, ESTIMATES AND AMOUNTS RECOMMENDED FOR 1970—Continued

[In thousands]

	Fiscal year 1969 estimated	1970 revised budge	House bill	Senate committee
C. Direct distribution to institutions:				
1. Sec. 32 [1]	$1,967	$3,800	$3,800	$3,800
2. Sec. 416	43,000	29,000	29,000	29,000
3. VA, Armed Forces, penal	17,875	21,000	21,000	21,000
Total, direct distributions to institutions	62,842	53,800	53,800	53,800
D. Nutrition aide program	10,000	30,000	30,000	30,000
Total, food assistance program	1,243,332	1,461,343	1,581,343	1,955,343

[1] Includes related administrative expense.

Mr. HOLLAND. Mr. President, the table which has just been included in the RECORD shows that for fiscal 1970 the total estimated expenditures as recommended to the Senate by the committee for food assistance and direct feeding activities will be $1,955,343,000. This total represents an increase in authorized appropriations and other proposed expenditures, by transfer from section 32 and donations from the Commodity Credit Corporation, of $712,011,000 over fiscal 1969. The committee recommendations propose an increase of $494 million over the budget estimate and an increase of $374 million over the House bill. This is by far the largest increase in the bill. I am sure that all Senators are aware of the fact that the present concern in our country with reference to the problems of health and malnutrition justify this increase.

The table which has been printed in the RECORD shows that the food assistance program is comprised of four major activities, with comparative amounts shown for fiscal 1969 versus the 1970 estimate, the House bill, and the committee recommendations.

The first activity is the child feeding program, wherein a total of $722,015,000 is recommended for fiscal 1970 to cover the regular school lunch program, special assistance, nonfood assistance, and the several programs listed in the table under this heading, including commodities donated to the States. Commodity donations are comprised of section 32 purchases for the purpose of section 6, regular section 32 purchase acquisitions which are donated to the States, and section 416 donations of food from the inventory of the CCC.

The second activity, the family feeding program, is comprised of the direct distribution program, and the food stamp program. The committee has recommended $750 million for fiscal year 1970 for the food stamp program. This is an increase of $410 million over the budget estimate and the amount carried in the House bill, and $470 million over the 1969 appropriation. The subcommittee had recommended $340 million for the food stamp program, the full amount authorized, and the amount requested in the 1970 estimate. When the full committee met, the Senate had just acted upon Senate Joint Resolution 126, which authorized $750 million for the food stamp program for 1970, and the full committee has recommended this amount in the pending bill.

It will be noted in referring to the table in the RECORD that the total amount available for family feeding programs and the nutritional supplement program, including direct distribution to families, is $1,149,528,000, compared with $547,405,000 for fiscal 1969.

Third, there is a program of direct distribution to institutions totaling $53,800,000, and fourth, there is the nutrition aide program in the amount of $30 million. This latter program is operated under the general oversight of the Cooperative Extension Service, both in Washington and in the several States. The objective of the nutrition aide program is to employ nontechnical personnel, under the technical guidance of the extension services, to provide nutritional information to low-income families.

This program was initiated in 1969 by transfer of $10 million from section 32. The expanded program will provide an estimated 3,200-man-year equivalent of employment to 4,300 aides, employed on a part-time basis, to render assistance to an estimated 480,000 low-income families.

SPECIAL MILK PROGRAM

The committee has recommended continuation of the special milk program for fiscal 1970, with a total funding of $104 million. This is the same amount as provided in 1969 and prior years, and is over the budget estimate by $104 million, but under the House-passed version of the bill by $16 million.

The budget estimate and the justification of it by the departmental officials in the committee hearings show that, under the expanded feeding programs for children in various group situations, it is planned to serve milk in the breakfast and lunch programs. Therefore, officials of the Department felt it was unnecessary to continue the special milk program, except for a limited amount of $20 million. The House-passed bill, however, under a floor amendment, continued the special milk program, and increased the level to $120 million with financing to be derived by transfer from section 32 funds.

This action in the other body, to transfer such a large additional sum from section 32 in addition to the heavy drafts from section 32 already contained in the estimates, would have reduced the carryover authorized by law for section 32 from $300 million to $180 million. That is the amount which would be carried over at the end of fiscal year 1970. This proposed reduction in carryover did not meet with favor in the committee. However, in recognition of the action taken in the other body and the importance of milk to the diets of small children, the committee has recommended the continuation of the special milk program for fiscal 1970.

The $104 million recommended is comprised of $84 million by direct appropriation from the general revenue fund and the $20 million, as planned in the budget, which is to be derived from section 32 funds. The recommended $20 million from section 32 will provide milk in breakfasts and lunches served to children in nonprofit schools, child day care centers, summer camps, and other similar nonprofit institutions which are devoted to the care and feeding of children.

COMMODITY CREDIT CORPORATION AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

The other major increases above the House-passed bill recommended by the committee deal with the appropriations for the Commodity Credit Corporation and for expenses under Public Law 480.

The committee has recommended the full budget estimate for restoration of capital impairment of the CCC in the amount of $5,215,934,000. This is an increase of $250 million over the House bill and will bring the capital structure of the corporation to a current basis except for the balance of $250 million of the losses incurred in fiscal 1968. This appropriation recommendation covers the balance of the 1961 inventory revaluation of $57,047,170, the completion of reimbursement of 1967 losses in the amount of $2,210,668,971, and partial reimbursement of 1968 losses in the amount of $2,948,217,859.

The decision of the Bureau of the Budget to request restoration of these losses on a more current basis is welcomed by our committee and I hope that the Bureau will continue next year with the program it has initiated in the pending budget—and that next year it will go the entire way by requesting the full amount of unrestored loss which has accrued for fiscal 1969, and the unrestored balance of $250 million for fiscal 1968.

This is simply a bookkeeping appropriation, it does not add to the expenditures of the corporation—which are made in accordance with basic law and are very unpredictable. By following the practice in this year's estimates again next year this very important item can be brought to a current basis as intended by Public Law 87–155.

I cannot refrain from expressing my great pleasure that the Bureau of the Budget has at last seen the light and is trying to restore the capital impairment of the Commodity Credit Corporation. It has failed consistently to do so through the years. We all had a bitter experience this spring when we realized the Commodity Credit Corporation had not only used up all of its authorized borrowing capacity and was really at the bottom of the barrel, but also that it had to borrow large sums from section 32 funds. The Department submitted a supplemental request for $1 billion which Congress passed almost unanimously. This amount was necessary if the Com-

modity Credit Corporation was to be kept in business and the farmers were to be served as was intended by the law.

I am glad that the Bureau of the Budget has at last made this decision. We have been trying to get them to request restoration on a current basis for years since the only proper thing to do is to follow the law and restore the deficit incurred necessarily under the law by the Commodity Credit Corporation each year.

In connection with the appropriations for Public Law 480, the committee has recommended a total appropriation for title I and title II of $935 million, an increase of $35 million over the House version of the bill and $635 million over the appropriation last year. The amount recommended by the committee is $51,600,000 under the budget estimate. This reduction, however, will have no impact upon the capability of the Department to carry out authorized programs under Public Law 480 since the appropriations made in this bill are on an estimated basis, and any additional program expenditures for either title I or title II are authorized to be financed from the borrowing authority of the CCC, pending reimbursement in a subsequent appropriation bill.

I want it clearly understood that the committee recommendations in no sense impair the ability of the Department of Agriculture to carry out these programs to whatever extent is necessary and proper under Public Law 480.

AGRICULTURAL CONSERVATION PROGRAM

The committee has recommended an advance authorization of $185 million for the 1970 agricultural conservation program. This is a reduction of $10.5 million under the 1969 authorization and the House bill, and an increase of $185 million over the estimate, which proposed to discontinue the program for 1970.

This cost-sharing conservation program has made a great contribution to our national resources through the installation of a variety of soil and water conservation measures. Over 1 million farms participate annually in this cost-sharing program. For every Federal dollar spent, at least 1 additional dollar is contributed by participating farmers—thus the program results in the annual expenditure of over $400 million for soil and water conservation.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator yield?

Mr. HOLLAND. I am delighted to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. The payments to farmers under this ASC program or land diversion programs are very small, but this would also figure into the $20,000 limitation that any one farmer could receive. Is that correct?

Mr. HOLLAND. I believe that is correct.

Mr. YOUNG of North Dakota. What is wrong with the $20,000 limitation is that when the payments to farmers on soil conservation are limited, in effect the soil conservation fertility is being lessened. Future generations may have difficulty in providing adequate supplies of food.

Mr. HOLLAND. The Senator is correct. The only thing being improved is erosion which is taking place on the farms of our Nation.

Mr. YOUNG of North Dakota. Throughout history a nation that did not take care of its soil soon went down the drain, so to speak.

Mr. HOLLAND. That is the history of the world. Anyone who goes to the area of Mesopotamia is bound to see the evidence of the lack of wisdom by the people who lived there long ago, for no one can now live there since the soil has washed away, there is no vegetation, and no opportunity for the people to make a living from the land.

Mr. YOUNG of North Dakota. That is one example of what is wrong with the $20,000 limitation.

Mr. President, while the Senator is interrupted, I wish to commend both the Senator from Florida and the Senator from Nebraska for the excellent job they did in marking up the bill. I think the Senators handled the bill very well. Economy was effected where it was possible.

I believe there is now $2 billion in the bill for food, largely for the cities. Is that correct?

Mr. HOLLAND. The Senator is correct. I have already stated there is over $1.9 billion. This includes the increase of one program, the food stamp program, from $340 million to $750 million.

So, practically $2 billion is provided for feeding programs and a large percentage of that goes to the indigent inhabitants of the cities.

Mr. YOUNG of North Dakota. In most news stories the impression is left that the total budget for agriculture is for payments to farmers. This is a good example where farmers do not get the money. The average person believes that farmers are getting the money. In this instance the money is mostly for the people in the cities.

Mr. HOLLAND. The Senator is correct. The funds in the Public Law 480 program constitute funds used in connection with our foreign policy and are not funds to aid our farmers. There are repeated items in here of the same character. For instance, all the food and meat inspection items for meat and poultry, and other products, are for the protection of consumers who eat the food produced by the farmers, if we add up in total all the funds not intended to directly benefit the farmers, as I recall it, the last time I made that addition, more than half of the bill is not for the direct help of agriculture. I am glad that the Senator brought out that point.

Mr. HRUSKA. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to my distinguished friend, but before I do so, let me express to him—as this is the first chance I have had to do so—my very great appreciation for his untiring work, for his cooperative attitude, and for what I think is his patriotic attitude in his endeavor to serve not just the farmers but the whole country in framing the bill on such a basis that it will serve the whole Nation.

Mr. HRUSKA. The Senator from Florida is most generous.

Mr. President, the Senator from North Dakota just spoke about the press sometimes reporting the agriculture appropriations bill as being a farm subsidy program. A little later this afternoon I expect to discuss this subject in greater detail. But one instance of this—and it is a glaring instance—is that found in Time magazine for June 20, page 81, where, after a scholarly discussion of the basis, the elements, and the composition of inflation and inflationary tendencies, the writer undertakes to begin to prescribe some remedies. One of the remedies is:

> As an obvious starter, Congress should scrap the farm-subsidy programs, which not only cost taxpayers $5.7 billion a year, but artificially inflate the prices of cotton, wheat, corn, soybeans, and rice.

Mr. President, at a later time, I shall cite some prices now being paid to farmers for those commodities as compared to what they got 10 or 20 years ago. Of course, in many instances to which the Senator from Florida has already referred, over $3 billion goes into things other than payments to farmers, including approximately $2 billion for food to the needy. This writer did not say, "Scrap that antihunger program. Strike that $2 billion because it is included in the $5.7 billion," but I thought this would be a good opportunity to add to what my good friend from North Dakota (Mr. YOUNG) said. It just is not true that the bulk of the funding for the agriculture appropriations bill goes to the farmers. Only a small part, less than half, substantially benefits the farmers.

Mr. HOLLAND. I thank the Senator for his comments. He is so right. Sometimes I think these comments are those of writers who would not know a field of wheat from one of barley or of oats, who undoubtedly are trying to express what they believe to be the truth but have become so misleading that many are misled by their own propaganda.

Anyone who makes even the most casual analysis of a farm bill as it is brought before the Senate must realize that more than half the total amount appropriated is not for the direct benefit of our farming people but, instead, is either part of our foreign policy, a part of our protection of the consuming public, or a part of food for schoolchildren and others who need food, including citizens who are poverty stricken. They would find that they are talking about programs which, under no circumstance, would they want to discontinue. I hope, therefore, that we will be charitable toward such writers because I am sure they are trying to tell the truth as they understand it. The trouble is they are city people. They do not understand anything about our farms. It reminds me of the old story, which I shall not repeat, about the city dweller inquiring if a certain mule had been bred when it was offered to him for purchase. It happens that most city people, unfortunately, have been denied the opportunity to know what goes on in the great open spaces of our country where the people there are employed in feeding and clothing everyone, and to whom the city people must look if they are going to continue to be fed and clothed

at the finest rate of living, the highest standards of living, any people have ever known.

Mr. President, in recommending the reduced authorization for the ACP, recognition is given to the necessity to control expenditures and to insist that conservation practice measures of annual and recurring nature be discontinued in order that funds provided shall result in enduring conservation results.

We have suggested a small reduction in the ACP. This is without prejudice at all to that part of the program which is most enduring, most useful, and most contributes to our national wealth and the preservation of our national soil and water resources. We are growing a little tired of those practices which are not enduring and which pay farmers for doing things which good agricultural practice would insist they do for themselves.

Mr. President, I ask unanimous consent that the statement from the committee report on page 28, dealing with directions in this regard, be printed in the RECORD.

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

Last year the committee report contained the following language in connection with its approval of the 1969 advance ACP authorization:

"In formulating and carrying out the 1969 program, it is expected that program guides and requirements will give first priority to cost-share practices for the establishment of permanent soil and water conservation measures." The hearings did not show any affirmative action on the part of the departmental administrative officials to make certain that the above quoted direction was carried out in formulation and conduct of the 1969 program.

The committee will expect to have a full showing at the hearings next spring as to how the Department is implementing last year's committee direction in the formulation and administration of the 1970 program in order to reach the objective of limiting governmental cost sharing to enduring type conservation practices and measures under the reduced program authorization.

PAYMENTS LIMITATION

Mr. HOLLAND. Mr. President, the other principal item which I want to deal with in my statement is in regard to the provision in the House-passed bill on limitation of payments under the appropriation item, ASCS, which requires that no part of the funds in the appropriation act for fiscal year 1970 could be used to formulate or conduct any price support program—other than for sugar—under which payments to any producer could in the aggregate exceed $20,000 on any crop planted in fiscal 1970.

The retention of this provision in the appropriation bill was opposed by the Secretary of Agriculture and by most of the major farm organizations, and others. The Committee believes that the views of the Secretary in the special subcommittee hearing on this subject—printed as part 2 of the committee hearings—clearly set forth the increased program costs for the cotton program that would result under the proposed limitation.

On June 19, 1969, the Comptroller General rendered an opinion to the Secretary of Agriculture on questions that had been raised by the Secretary in his letter to the Comptroller General on June 4, pertaining to the limitation on payments provision in the House-passed version of the agricultural appropriation bill. The GAO opinion to the Secretary states in part that the "snapback" provision is mandatory for cotton and is not discretionary if a limitation on payments is enacted. The opinion also states that there is no authority under which the Secretary could not carry out the "snapback" provision in a manner which would make cotton producers subject to a limitation on payments. The full text of the letter is printed in the hearings and begins on page 64 thereof.

In other words, Mr. President, not only do we have the opinion of the Secretary of Agriculture—and he was flanked by his general counsel, on the one hand, and his chief economist, on the other, both of whom verified his position from time to time during the course of the hearings but in order to make doubly sure, the Secretary invited the General Accounting Office to make a study of his views and of the impact of the proposed limitation of payments as included in the House bill. This was a floor amendment. The reply from the General Accounting Office, after about 2 or 3 weeks of study, shows clearly that the GAO, through its legal staff, agrees completely with the position of the Secretary of Agriculture.

The Secretary also indicated that the limitation would result in other costs and administrative problems. He further stated that the administration plans to submit new farm legislation proposals to the Congress later this year. The departmental proposals will embody recommendations affecting payments to producers. These legislative recommendations, when received, can then be considered and acted upon by both bodies of the Congress in the regular manner and any changes will apply to crops planted in 1971.

I may say, Mr. President, that, since the present law expires after next year, we simply have to pass new legislation before the spring of next year, at the very latest time, in order to affect plantings of winter wheat for next fall, and likewise for other crops to be planted next fall.

The Secretary makes it very plain in his testimony, if those who are interested care to read it, that he is studying alternate plans and he thinks he can report a program under which there can be some limitations of payments and some reductions of payments, which he, too, regards as excessive under the present law. But he pointed out time and time again that legislation was required; that the mere placing of an arbitrary limit on payments would not change the legislation or would not accomplish anything good or helpful or permanent, and that he insists Congress should wait upon its opportunity to pass upon new farm legislation which he expects to report to us sometime this fall as his recommendation. Congress can then work its will on anything he recommends.

The committee has, therefore, recommended that the limitation provision adopted by the House floor amendment, and which appears on page 22, lines 15 through 20 of H.R. 11612, be stricken.

Mr. President, at this time I would like to call to the attention of the Senate and insert in the RECORD the testimony of Secretary Hardin which appears on page 24 of the hearings:

POSITION OF USDA ON PAYMENT LIMITATIONS

Secretary HARDIN. Question 10. What position does the Department of Agriculture take on payment limitations?

My position is as stated during the debate in the House. At that time I sent the following message to Members of the House of Representatives:

"The Department of Agriculture believes it is possible to design a sound farm program that limits the number of dollars that can be paid to any one farmer for programs following the 1970 crop year.

"However, to make such a limitation effective, legislative changes are needed. With only the simple amendment that is possible in connection with appropriation bills, the so-called "snap-back" provision for cotton would come into effect. The cotton program would then become subject to a loan-and-redemption or a buy-and-sell-back arrangement that would increase costs while the large producers would escape the intent of the payment limitation.

"A simple amendment to the appropriations bill will not suffice. The Department is ready to work with the legislative committees on basic changes in the legislation and has modifications to suggest.

"The preferred time for considering these changes would be later in this session or early next session, when consideration must be given to the type of legislation that is to replace present laws. These laws are scheduled to expire after the 1970 crop."

I also ask to insert in the RECORD the table which appears on page 7 of the printed hearings. This table shows the States and the crops which would be affected by a limitation such as was included in the House bill.

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

TABLE 4.—PRODUCERS RECEIVING $20,000 OR MORE FROM SPECIFIED PROGRAMS, 1968

State	All programs	Cotton		Feed grain	Wheat	Wool [1]	Sugar [1]
		Price support	Total				
Alabama	279	118	204	2			
Arizona	568	442	504	15	1	12	74
Arkansas	599	461	558	2	2		1
California	972	681	773	8	23	49	328
Colorado	195		1	19	50	26	52
Delaware	1						
Florida	69	3	3	2			59
Georgia	255	75	120	12			
Idaho	115				51	35	37

See footnote at end of table.

TABLE 4.—PRODUCERS RECEIVING $20,000 OR MORE FROM SPECIFIED PROGRAMS, 1968—Continued

State	All programs	Cotton		Feed grain	Wheat	Wool [1]	Sugar [1]
		Price support	Total				
Illinois	108	2	2	76	1	8	
Indiana	95			63	1	2	
Iowa	88			76	1	3	
Kansas	301			31	69	6	50
Kentucky	7	2	2	5			
Louisiana	340	189	228	1	2	6	90
Maryland	2						
Michigan	17			7		1	4
Minnesota	32			17	2	2	11
Mississippi	1,145	901	1,074	2		9	
Missouri	178	37	51	59		3	
Montana	131				89	24	3
Nebraska	152			74	11	8	14
Nevada	16	2	3		2	10	
New Mexico	233	45	52	54	14	27	24
New York	3			1			1
North Carolina	77	28	45	8			
North Dakota	66			3	34	1	14
Ohio	35			17		4	4
Oklahoma	95	16	30	8	21	1	
Oregon	72				58	8	4
Pennsylvania	8			7			
South Carolina	225	91	152	4			
South Dakota	42			9	11	9	
Tennessee	104	45	63	1			
Texas	3,122	824	1,297	282	96	122	183
Utah	29				5	22	3
Virginia	3			2			
Washington	197	1	1	1	157	8	14
Wisconsin	15			9			
Wyoming	66				1	65	5
Alaska	1					1	
Hawaii	21						21
Total, United States	10,079	3,963	5,163	877	702	472	996

[1] Includes payments to payees receiving $20,000 or more from all programs and includes some wool (or sugar) payments.

Mr. HOLLAND. Mr. President, just for the purpose of repetition in the RECORD, I want to show from that table how three States would be hurtfully affected.

As to the State of California, our greatest agricultural State, 972 producers would be affected in that they would receive only $20,000 out of the various programs covered by the limitation amendment in the House bill. As to those programs, 773 are in the field of cotton; eight are in the field of feed grains; 23 are in the field of wheat.

In addition to those, there are two others that are similar but do not happen to be covered by the proposed limitation, and those two are 49 under the wool program and 328 under the sugar program.

Mr. President, once we embark upon such a hurtful, destructive program as that which is embraced in the proposed limitation, we are striking at that great producing State to the tune of 972 of their most effective producers.

Next, if I may, I go to the State of Texas, which is affected to the extent of having 3,122 producers in that great State who would be affected by this limitation, of whom 1,297 are cotton producers, 282 are feed grain producers, and 96 are wheat producers.

In the case of wool and sugar, not included under this program, there are in Texas 122 wool producers and 183 sugar producers who are under the program—making the total of 3,122.

I do not think it is necessary to quote further, but I would like to quote one Southern State, because, coming from that area of the Nation, and since my own State is not largely affected by this program, I want to call attention to the fact that the good and great State of Mississippi is very badly affected by that limitation.

In that State 1,145 farmers would be covered by the House limitation, of whom 1,074 are cotton producers, two are feed grain producers, and nine are producers of wool, which would not be affected by the proposed limitation.

Mr. President, if Senators will just look at that table, they will find how adversely so many of our greatest agricultural States would be affected by the limitation. We will, of course, later discuss the various ways in which they would be adversely affected; but we should not embark on such a limitation—which the Secretary of Agriculture says will not do the job, without legislative changes, and of which the General Accounting Office says the same thing.

Many have alluded to the possible savings which would accrue if this limitation were adopted. I ask that an excerpt from the Secretary's testimony on this very point be included in the RECORD.

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

POSSIBLE SAVINGS TO THE GOVERNMENT

Secretary HARDIN. Question two. Would the limitation on payment result in a saving to the Government?

As I shall shortly show, the limitation on payments would trigger a snap-back provision for cotton that would increase the cost to the Government for the cotton program. We estimate this increased cost at about $160 million.

There are other reasons to support the conclusion that the limitation on payments would bring about very little savings, if any, and might result in a net increase in cost. First, a considerable proportion of the farms subject to the limitation would undoubtedly be split up or leased out in such a fashion as to escape the limitation. We could prevent some of this but not all by any means. Many such changes are constantly occurring and are entirely legal. We estimate, for example, that perhaps as much as 70 to 85 percent of the potential cotton acreage affected by the $20,000 limit would be able to maintain its eligibility for full payment.

Mr. HOLLAND. Mr. President, incidentally, that statement shows that, instead of saving money in the cotton program, it would cost $160 million more than the present cotton program. The fact is—and this is a tragic fact—that instead of continuing to cut down the surplus of cotton, which we have been doing under existing law, it would immediately start to build up, very heavily, surpluses again and would adversely affect a great industry in our Nation, the textile industry, and would put back in our warehouses many thousands of bales of cotton which could not move in export unless we gave them a very heavy subsidy.

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

Mr. HOLLAND. I yield.

Mr. HRUSKA. Is it not true that one of the reasons for the present farm bill as we know it was expensive piling up in our warehouses of cotton, wheat, feed grains, and other commodities?

Mr. HOLLAND. The Senator is correct.

Mr. HRUSKA. With the imposition of this ceiling, would it not necessarily revert to that same condition and status?

Mr. HOLLAND. It would immediately begin to build up surpluses again, which we have been trying to eliminate.

I do not want to leave any impression in the RECORD that the Senator from Florida approves of the present law, because it could be greatly improved. The Senator from Nebraska, the Senator from North Dakota, and other Senators know that is not the case and the Senator from Florida did not vote for the existing law. But neither will the Senator from Florida vote for a limitation which is a wrecking limitation that will destroy any program that we have for next year until we establish another farm program to take its place.

Much destruction has been visited upon our agricultural community. Hundreds of thousands of farmers have found it impossible to operate and have now moved to our cities. There is too much loss already in the field of agricultural production, even under the existing situation, for us to adopt programs which will destroy it more, instead of helping.

Mr. President, as I stated earlier, the Secretary of Agriculture and the general counsel of the Department concur in the opinion that the inclusion of a limitation would automatically trigger the "snap-back" provision into operation. However, in order to be positive of their position, the Secretary requested the General Accounting Office to review this and several other questions connected with this limitation. I ask that the Secretary's letter to the GAO and the reply which he received be inserted in the RECORD at this point.

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

[Letter to Comptroller General on House Amendment]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, June 4, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

Dear MR. STAATS: Your opinion is requested on a number of questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612 making appropriations for the Department of Agriculture Appropriation and Related Agencies for the Fiscal Year ending June 30, 1970.

The limitation in question provides:

"*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

The questions on which we would like your opinion are:

Question (1) Would the enactment of the $20,000 payment limitation in the Agriculture appropriation bill automatically bring into effect the snapback provision (section 103(d)(12) of the Agricultural Act of 1949, as amended)?

Question (2) Could the snapback provision be carried out in a manner which will still make cotton producers subject to the payment limitation?

Question (3) Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?

Question (4) Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the redemption or sale of commodities?

The opinion of the General Counsel of this Department on these questions is as stated below.

Question (1) Would the enactment of the $20,000 payment limitation in the Agriculture appropriation bill automatically bring into effect the snapback provision?

Conclusion. The snapback provision is mandatory and would automatically go into effect.

The so-called "snapback" provision, paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, reads as follows:

"(12) Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate; (B) in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, such price support may be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon; and (C) such resale or redemption price shall be such as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States."

Paragraphs (2) and (3) of section 103(d), as amended, provide for price support to cooperators on upland cotton of the 1966 through 1970 crops through loans and additional price support payments. It is provided in paragraph (3) that the sum of the average loan rate and the adjusted payment rate shall not be less than 65 per centum of the parity price for upland cotton as of the month in which the payment rate is announced. The effect of this provision is to assure cooperators (*i.e.,* producers who comply with their acreage allotments) a return of at least 65 per centum of parity on the projected yield of their crop.

The snapback provision is mandatory and not discretionary with the Secretary. It provides that price support *shall* be made available to cooperators through loans or purchases at a level not less than 65 per centum of parity if, as a result of limitations subsequently enacted, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under the Agricultural Act of 1949. It is apparent that the "snapback" provision was designed as a safeguard against limitations on price support payments since price support under the provision is to be made available through loans and purchases. The clear purpose of the "snapback" provision, therefore, was to assure cotton producers that they would not be deprived of a total return from their cotton crop of at least 65 per centum of parity if limitations on price support payments were later enacted.

In addition to the plain language of the "snapback" provision, the legislative history of the provision makes this purpose clear beyond doubt. The provision was included in House Bill 9811 as introduced by Congressman Cooley, the Chairman of the House Agriculture Committee. The report on the bill by the House Committee on Agriculture stated:

"Subsection (d)(12) of section 103 would provide that in case of limitations later enacted with respect to price support under subsection (d) which prevent the Secretary from making available to all cooperators the full amount of price support to which they would otherwise be entitled under subsection (d)(2) and (3) for any crop, price support to cooperators shall be made available for such crop through loans or purchases at such level not less than 65 nor more than 90 percent of the parity price therefor as the Secretary determines appropriate."

The Minority Report on the bill agreed, stating (page 112) that this paragraph: "provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation."

Similarly, it was stated (134) in the Additional Minority Views by Mr. Dague, Mr. Latta, Mr. Findley, and Mr. Burton:

"Another provision in the cotton title of this bill which is most objectionable is the so-called snapback clause as proposed in a new subparagraph d(12) of section 103 of the Agricultural Act of 1949. This snapback clause says that if any limitations on cotton payments are hereafter enacted by Congress, the old price support program with loans at 65 to 90 percent of parity will automatically go back into effect with the authority for the Secretary to sell surplus cotton at prices well below the loan level."

During the discussion of the bill in the House, Representative Dague stated that paragraph (12): "provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation." Congressional Record, Volume 111, Part 15, Page 20710.

Representatives Michel and Cooley in discussing this provision stated:

"Mr. MICHEL. * * *

"Can the chairman tell me why it was necessary on page 21 of the bill, beginning on line 19, to write in that paragraph No. (12) beginning, "Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted"——

* * * * *

"Mr. COOLEY. I think the language is perfectly clear. Should we impose a limitation——

"Mr. MICHEL. As has been done in times past.

"Mr. COOLEY. Yes; then we go back to a price support program, to loans rather than direct compensatory payments." Congressional Record, Volume 111, Part 15, Page 20742.

Later, Representative Michel introduced an amendment to delete the snapback provision, stating:

"Mr. Chairman and Members of this Committee, this amendment would strike the provisions of the bill that have come to be known as the snapback clause. As can be seen from a reading of the language of the bill, any future allotments either in size of payments to individual producers or in total expenditures of the Department of Agriculture on the cotton program would automatically trigger this provision into operation." Congressional Record, Volume 111, Part 16, Page 21026.

The amendment was defeated.

During the debate in the Senate, Senator Talmadge and other senators introduced an amendment which, among other things, added the snapback provision to the Senate bill, and Senator Talmadge inserted in the Congressional Record an explanation of the amendment. It was stated in this explanation:

"If for any year during the 4-year period the Secretary is unable to make payments as planned, he would be authorized to alter the program and carry out price support provisions through loans or by purchase and resale." Congressional Record, Volume 111, Part 17, page 23056.

Accordingly, on the basis of the language of the "snapback" provision and its legislative history, it is clear that the provision would go into effect automatically in the event payment limitations were enacted.

Question (2) could the "snapback" provision be carried out in a manner which will still make cotton producers subject to the payment limitations?

Conclusion. No. The "snapback" provision must be carried out in a manner which will make available to all cooperators loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments.

The "snapback" provision states that "[n]otwithstanding any other provision" of the Act "if, as a result of limitations hereafter enacted" the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled "(A) price support to cooperators *shall* be made available for such crops (if marketing quotas have not been disapproved) through loans or purchases" at not less than the 65 per centum of parity (emphasis supplied). Clause (B) provides that in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, price support under the "snapback" provision *"may* be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price *or* through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon." (emphasis sup-

plied) Since one method of providing the price support required by the snapback provision is through a simultaneous purchase of cotton at the support price and resale at a lower price and since a simultaneous purchase and resale may be construed as a payment, the question has been raised whether the Secretary could, in his discretion, carry out the program exclusively through a simultaneous purchase of cotton from producers at the support price and a resale to them at a lower price and thereby make the payment limitation applicable.

Even assuming that a simultaneous purchase and resale with producers is constructed to be a payment which is subject to the limitation, to restrict the method of providing price support to one to which the payment limitation would be applicable would violate the mandatory direction in Clause (A) to make price support available to cooperators at the required level and defeat the very purpose of the "snapback" provision which is to assure cooperators that if a payment limitation was enacted they would continue to receive through loans or purchases price support at not less than 65 percentum of parity on their cotton crops.

It may be noted that the simultaneous purchase and resale need not be made with producers but may, for example, be carried out through dealers who have paid the support price to producers.

Accordingly, in the absence of legislation repealing the "snapback" provision the Department would be obligated to provide all cooperators with price support through loans or purchases on the production of their acreage allotments for the 1970 crop of cotton. It is noted in this connection that an amendment to the appropriation act was offered which would have repealed the "snapback" provision. A point of order against the amendment was sustained, however, on the ground that it constituted legislation in an appropriation bill. 115 Cong. Rec. Page 14039 (daily ed. May 27, 1969).

Question (3) Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?

Conclusion. The payment limitation will continue to apply after June 30, 1970, to the entire production of the crops planted during the fiscal year 1970 for which programs have been approved by the Secretary on or before June 30, 1970.

A similar question arose in connection with the $50,000 limitation on price support which was included in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960, 73 Stat. 167, 178. The $50,000 limitation also applied to the use of funds "to formulate or carry out" the price support program for 1960. The Comptroller General in decision B–142011 (contained in his letter to the Secretary of Agriculture dated April 8, 1960) held that such limitation applied to all of the 1960 production of any commodity for which the 1960 program was approved on or before June 30, 1960, notwithstanding that the regulations implementing such program authorizations were not completed and published until after June 30, and notwithstanding that the actual loans and purchases were not made until after June 30.

Question (4) Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the repayment of loans or the sale of commodities?

Conclusion. No.

The contention has been made that the limitation could be avoided by using funds of the Commodity Credit Corporation which are on hand or those funds which are received from the repayment of loans or the sale of commodities for payment of administrative expenses and for payment of the amounts in excess of the limitation.

See pages 13758 and 14041 of the Congressional Record for May 26 and 27, 1969. See, also, the statement on page 64 of the House Report No. 91–265 accompanying the Appropriation Bill:

"If necessary to perform the functions, duties, obligations or commitments of the Commodity Credit Corporation, administrative and operating personnel shall be paid from funds on hand or from those funds received from the redemption or sale of commodities. Such funds shall also be available to make program payments, commodity loans, or other obligations of the Corporation."

Section 104 of the Government Corporation Control Act provides that:

"The budget programs transmitted by the President to the Congress shall be considered and legislation *shall* be enacted making necessary appropriations, as may be authorized by law, making available for expenditures for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine. . . ." (Emphasis supplied.)

Pursuant to this provision, the Appropriation Bill authorizes the Corporation to make such expenditures within the limits of funds and borrowing authority available to it as may be necessary in carrying out the programs set forth in its budget for the fiscal year 1970, appropriates $4,965,394,000 to reimburse the Corporation for net realized losses sustained in prior years, and makes not to exceed $31,500,000 available from its capital funds for administrative expenses of the Corporation. The limitation, which is applicable by its terms to "funds appropriated by this Act", was, in our opinion, intended to apply to all funds made available by the Act, including corporate funds which the Act authorizes the Corporation to expend in formulating and carrying out the programs set forth in its budget for the fiscal year 1970.

Moreover, even assuming that the limitation were construed as not applying to corporate funds which are on hand or those funds which are received from the repayment of loans or the sale of commodities, the appropriation bill also contains specific appropriations, which are subject to the limitation, for the salaries and expenses of the Secretary of Agriculture who is charged by law with the responsibility for formulating and carrying out the price support program and for other officers and employees of the Department whose services are utilized in formulating and carrying out the program. The Comptroller General has ruled that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available for such use in the absence of the specific appropriation. 17 Comp. Gen. 23; *id.* 91; *id.* 974; 18 Comp. Gen. 1013; 20 Comp. Gen. 739; 36 Comp. Gen. 526; 38 Comp. Gen. 758; 40 Comp. Gen. 404. The Comptroller General has also ruled that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropriation to the exclusion of any other for such purpose is required, in the absence of changes in the appropriation acts 10 Comp. Gen. 440; 23 Comp. Gen. 827.

In addition to being contrary to the rules established in the foregoing decisions by the Comptroller General, an attempt to avoid the payment limitation by paying the salaries and expenses of officials and employees of the Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would be in clear violation of the intent of Congress in adopting the payment limitation.

For the foregoing reasons, it is our view that it would not be possible to avoid the limitation by using funds of Commodity Credit Corporation which are on hand or which are received by the Corporation from the repayment of loans or the sale of commodities.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[Opinion of GAO Addressed to the Secretary of Agriculture]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 19, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee, Department of Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Enclosed for your information is a copy of our letter of today to the Secretary of Agriculture which is self-explanatory. The letter concerns certain questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612, as passed by the House of Representatives.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 19, 1969.

The Honorable the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: Your letter of June 4, 1969, presents for our consideration four questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612 (as passed by the House of Representatives) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970.

The limitation in question which was a House floor amendment to H.R. 11612 provides: "*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

The answers herein are based on the provisions of H.R. 11612 and its legislative history as of the date of this letter.

Your first question reads as follows:

"Would the enactment of the $20,000 payment limitation in the agriculture appropriation bill automatically bring into effect the snapback provision (section 103(d)(12) of the Agricultural Act of 1949, as amended)?"

You express the view that the snapback provision is mandatory and would automatically go into effect.

The so-called "snapback" provision, paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, 7 U.S.C. 1444 (d)(12) reads as follows:

"Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) *through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate:* (B) in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, such price support may be carried out through the

simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon; and (C) such resale or redemption price shall be such as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States." [Emphasis added.]

Paragraphs (2) and (3) of section 103(d), as amended, provide for price support to cooperators on upland cotton of the 1966 through 1970 crops through loans and additional price support payments. It is provided in paragraph (3) that the sum of the average loan rate and the adjusted payment rate shall not be less than 65 per centum of the parity price for upland cotton as of the month in which the payment rate is announced. As indicated in your letter the effect of this provision is to assure cooperators (i.e., producers who comply with their acreage allotments) a return of at least 65 per centum of parity on the projected yield of their crop.

We agree that the "snapback" provision is mandatory and not discretionary with the Secretary. It provides that price support *shall* be made available to cooperators through loans or purchases at a level not less than 65 per centum of parity if, as a result of limitations subsequently enacted, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under the Agricultural Act of 1949. As you indicate it appears from its language that the "snapback" provision was designed as a safeguard against limitations on price support payments, since price support under the provision is to be made available through loans and purchases, as distinguished from additional direct compensation payments. Thus, the clear purpose of the "snapback" provision was to assure cotton producers that they would not be deprived of a total return from their cotton crop of at least 65 per centum of parity if limitations on price support payments were later enacted.

As indicated in your letter, in addition to the plain language of the "snapback" provision, the legislative history of the provision makes this purpose clear beyond doubt. The provision was included in H.R. 9811 as introduced by Congressman Cooley, the Chairman of the House Agriculture Committee. The report on the bill by the House Committee on Agriculture stated (House Report No. 631, 80th Congress, 1st Session, page 40): "Subsection (d)(12) of section 103 would provide that in case of limitations later enacted with respect to price support under subsection (d) which prevent the Secretary from making available to all cooperators the full amount of price support to which they would otherwise be entitled under subsection (d)(2) and (3) for any crop, price support to cooperators shall be made available for such crop through loans or purchases at such level not less than 65 nor more than 90 percent of the parity price therefor as the Secretary determines appropriate. * * *"

The Minority Report on the bill agreed, stating (page 112) that this paragraph: "* * * provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation."

Similarly, it was stated (134) in the Additional Minority Views by Mr. Dague, Mr. Latta, Mr. Findley, and Mr. Burton: "Another provision in the cotton title of this bill which is most objectionable is the so-called snapback clause as proposed in a new subparagraph d(12) of section 103 of the Agricultural Act of 1949. This snapback clause says that if any limitations on cotton payments are hereafter enacted by Congress, *the old price support program with loans at 65 to 90 percent parity will automatically go back into effect* with the authority for the Secretary to sell surplus cotton at prices well below the loan level." (Emphasis added.)

During the discussion of the bill in the House, Mr. Dague stated that paragraph (12): "* * * provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation." Congressional Record, Volume 111, Part 15, Page 20710.

Also, in discussing this provision it was stated:

"Mr. MICHEL. * * *

"Can the chairman tell me why it was necessary on page 21 of the bill, beginning on line 19, to write in that paragraph No. (12) beginning, 'Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted'——

* * * * *

"Mr. COOLEY. I think the language is perfectly clear. Should we impose a limitation * * *

"Mr. MICHEL. As has been done in time past.

"Mr. COOLEY. Yes; then we go back to a price support program, *to loans rather than direct compensatory payments.*" Congressional Record, Volume 111, Part 15, Page 20742. [Emphasis added.]

Later, Mr. Michel introduced an amendment to delete the snapback provision, stating:

"Mr. Chairman and Members of this Committee, this amendment would strike the provisions of the bill that have come to be known as the snapback clause. As can be seen from a reading of the language of the bill, any future allotments either in size of payments to individual producers or in total expenditures of the Department of Agriculture on the cotton program would automatically trigger this provision into operation." Congressional Record, Volume 111, Part 16, Page 21026.

The amendment was defeated.

During the debate in the Senate, Senator Talmadge and other Senators introduced an amendment which, among other things, added the snapback provision to the Senate bill, and Senator Talmadge inserted in the Congressional Record an explanation of the amendment. It was stated in this explanation:

"If for any year during the 4-year period the Secretary is unable to make payments as planned, *he would be authorized to alter the program and carry out price support provisions through loans or by purchase and resale.*" Congressional Record, Volume 111, Part 17, Page 23056. [Emphasis added.]

Accordingly, we agree with your conclusion that on the basis of the language of the "snapback" provision and its legislative history, it is clear that the provision would go into effect automatically in the event payment limitations were enacted. Therefore, your first question is answered in the affirmative.

Question No. 2 reads:

"Could the snapback provision be carried out in a manner which will still make cotton producers subject to the payment limitation?"

You express the view that the "snapback" provision must be carried out in a manner which will make available to all cooperators loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments.

The "snapback" provision provides that "Notwithstanding any other provision" of the Act "if, as a result of limitations hereafter enacted" the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled "(A) price support to cooperators *shall* be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases" at not less than 65 per centum of parity [emphasis supplied]. Clause (B) provides that in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, price support under the "snapback" provision "*may* be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price *or* through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon." [Emphasis supplied.]

You state that since one method of providing the price support required by the snapback provision is through a simultaneous purchase of cotton at the support price and resale at a lower price and since a simultaneous purchase and resale may be construed as a payment, the question has been raised whether the Secretary could, in his discretion, carry out the program exclusively through a simultaneous purchase of cotton from producers at the support price and a resale to them at a lower price and thereby make the payment limitation applicable.

It is your view that even assuming that a simultaneous purchase and resale with producers is construed to be a payment which is subject to the limitation, to restrict the method of providing price support to one to which the payment limitation would be applicable would violate the mandatory direction in Clause (A) to make price support available to cooperators at the required level and defeat the very purpose of the "snapback" provision which is to assure cooperators that if a payment limitation was enacted they would continue to receive through loans or purchases price support at not less than 65 per centum of parity on their cotton crops.

You note that the simultaneous purchase and resale need not be made with producers but may, for example, be carried out through dealers who have paid the support price to producers.

The legislative history of H.R. 11612 discloses that one of the proponents of the appropriation limitation agreed, in effect, that the limitation would not apply if the Secretary did "not go by the simultaneous purchase and sale route." Also, as pointed out in your letter an amendment to H.R. 11612 was offered which would have repealed the "snapback" provision but a point of order against the amendment was sustained. 115 Cong. Rec. 14039 (Temp. Ed. May 27, 1969).

We agree that in view of the mandatory language used in the "snapback" provision and the purpose of such provision, that the provision must be carried out in a manner that will make available to all cooperators, price support through loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments. Accordingly, your second question is answered in the negative.

Your third question reads:

"Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?"

It is your opinion that the payment limitation will continue to apply after June 30, 1970, to the entire production of the crops planted during the fiscal year 1970 for which programs have been approved by the Secretary on or before June 30, 1970.

You point out that a similar question arose in connection with the $50,000 limitation on price support which was included in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960, 73 Stat. 167, 178. The $50,000 limitation also applied to the use of funds "to formulate or carry out" the price support program for 1960. You note that in our decision of April 8, 1960, B–142011, to the then Secretary of Agriculture we held that such limitation applied to all of the 1960 production of any

commodity for which the 1960 program was approved on or before June 30, 1960, notwithstanding that the regulations implementing such program authorizations were not completed and published until after June 30, and notwithstanding that the actual loans and purchases were not made until after June 30. We also held in the same decision that the $50,000 limitation would not apply to any new program authorization which was prepared and approved after June 30, 1960, *Cf.* 39 Comp. Gen. 665.

The rationale of our decision of April 8, 1960, would be equally for application in the instant case. In other words the limitation in H.R. 11612—if enacted into law—would apply to all crops planted in fiscal year 1970 (to which the limitation is otherwise applicable) for which programs have been approved by the Secretary on or before June 30, 1970 (i.e., in fiscal year 1970), even though the regulations implementing such program authorizations may not be completed and published until after June 30, and notwithstanding that the actual loans, payments, or purchases are not made until after June 30.

The third question is answered accordingly.

Question No. 4 reads as follows:

"Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the repayment of loans or the sale of commodities?

Although you express a contrary view, you state that the contention has been made that the limitation could be avoided by using funds of the Commodity Credit Corporation (CCC) which are on hand or those funds which are received from the repayment of loans or the sale of commodities for payment of administrative expenses and for payment of the amounts in excess of the limitation. In this connection you refer to pages 13758 and 14041 of the Congressional Record for May 26 and 27, 1969; and call our attention to the following statement on page 64 of the House Report No. 91–265 accompanying the appropriation bill:

"If necessary to perform the functions, duties, obligations or commitments of the Commodity Credit Corporation, administrative and operating personnel shall be paid from funds on hand or from those funds received from the redemption or sale of commodities. Such funds shall also be available to make program payments, commodity loans, or other obligations of the Corporation."

You refer to the following portion of section 104 of the Government Corporation Control Act, as amended, 31 U.S.C. 849:

"The budget programs transmitted by the President to the Congress shall be considered and legislation shall be enacted making necessary appropriations, as may be authorized by law, making available for expenditure for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine."

You state that pursuant to this provision, the appropriation bill authorizes CCC to make such expenditures within the limits of funds and borrowing authority available to it as may be necessary in carrying out the programs set forth in its budget for the fiscal year 1970, appropriates $4,965,394,000 to reimburse the corporation for net realized losses sustained in prior years, and makes not to exceed $31,500,000 available from its capital funds, for administrative expenses of the corporation. The limitation, which is applicable by its terms to "funds appropriated by this Act," was, in your opinion, intended to apply to all funds made available by the Act, including corporate funds which the Act authorizes CCC to expend in formulating and carrying out the programs set forth in its budget for the fiscal year 1970.

Also, you state that even assuming that the limitation were construed as not applying to corporate funds which are on hand or those funds which are received from the repayment of loans or the sale of commodities, the appropriation bill also contains specific appropriations, which are subject to the limitation, for the salaries and expenses of the Secretary of Agriculture who is charged by law with the responsibility for formulating and carrying out the price support program and for other officers and employees of the Department whose services are utilized in formulating and carrying out the program. You state that the Comptroller General has ruled that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available; and you cite 17 Comp. Gen. 23; *id,* 91; *id.* 974; 18 Comp. Gen. 1013; 20 Comp. Gen. 739; 36 Comp Gen. 526; 38 Comp. Gen. 758; 40 Comp. Gen. 404. You further state that the Comptroller General has also ruled that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropriation to the exclusion of any other for such purpose is required, in the absence of changes in the appropriations acts; and you cite 10 Comp. Gen. 440; 23 Comp. Gen. 827.

In addition to being contrary to the rules established in the foregoing decisions by the Comptroller General, it is your opinion that an attempt to avoid the payment limitation by paying the salaries and expenses of officials and employees of the Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would be in clear violation of the intent of Congress in adopting the payment limitation.

For the above reasons, it is your view that it would not be possible to avoid the limitation by using funds of the Commodity Credit Corporation which are on hand or which are received by the corporation from the repayment of loans or the sale of commodities.

In addition to the portion of section 104 of the Government Corporation Control Act quoted in your letter, that section further provides as follows: "* * * and providing for repayment of capital funds and the payment of dividends. *The provisions of this section shall not be construed as preventing Government corporations from carrying out and financing their activities as authorized by existing law, nor as affecting the provisions of section 831y of Title 16.* The provisions of this section shall not be construed as affecting the existing authority of any Government corporation to make contracts or other commitments without reference to fiscal year limitations." [Emphasis added.]

It is clear from the last-quoted provisions of law that section 104 is not intended to prevent a Government corporation from carrying out and financing its activities as authorized by law. In this regard in connection with a somewhat similar limitation in the Department of Agriculture and Related Agencies Appropriation Act, 1967, 80 Stat. 702, your Department by letter dated April 28, 1967, advised us as follows (see also B–146820, June 2, 1967):

"We assume your inquiry relates to administrative expenses. *Most of the costs incurred in the fiscal year ending June 30, 1967, for formulating and administering this sale have been or will be paid, within the limitation on administrative expenses of $34,300,000 contained in the Appropriation Act, from funds of the Commodity Credit Corporation. Such funds are obtained from borrowings by Commodity Credit Corporation* under section 4 of the Act of March 8, 1938, as amended (15 U.S.C. 713a–4) *and not from appropriations provided in the 1967 Appropriations Act.*" [Emphasis added.]

Assuming that the $20,000 limitation involved here may apply to the $4,965,394,000 appropriated to reimburse the Commodity Credit Corporation for net losses sustained in prior years, it would not be applicable to corporate funds on hand or those which are received from the repayment of loans or the sale of commodities since such funds would not be "appropriated by this Act" (H.R. 11612). Insofar as the $31,500,000 made available in H.R. 11612 for administrative expenses is concerned, that is not an appropriation but rather a limitation on the amount that may be expended by CCC for administrative expenses in fiscal year 1970. Accordingly, except for any part of the $31,500,000 which, pursuant to the authority in H.R. 11612, may be transferred and merged with the appropriation made to the Agricultural Stabilization and Conservation Services, the $20,000 limitation would not apply to the funds available to CCC to pay administrative expenses in fiscal year 1970.

However, as indicated in your letter, the Secretary of Agriculture is charged by law with the responsibility for formulating and carrying out the price support program (7 U.S.C. 1441) and CCC is subject to the general supervision and direction of the Secretary (15 U.S.C. 714). Thus, in formulating and carrying out the price support program the Secretary, insofar as his part is concerned, would not be performing any functions, duties or obligations of CCC, but rather his own functions, duties and obligations. Of course the specific appropriations contained in H.R. 11612 for the salary and expenses of the Secretary, as well as for the salary and expenses of the other officers and employees of the Department whose services are utilized in formulating and carrying out the price support program would be subject to the limitation.

As we understand it, over the year CCC's funds have never been used to pay the salary of the Secretary or the salaries of certain officers and employees (for example personnel of the Office of General Counsel) of the Department whose services are utilized in formulating and carrying out price support programs, but instead funds for the salaries and expenses of such personnel are budgeted for and requested in specific appropriations. While H.R. 11612 authorizes a limited amount of CCC funds to be transferred and merged with the appropriation made to the Agricultural Stabilization and Conservation Service for administrative expenses of the Service including expenses to formulate and carry out laws pertaining to CCC, as noted above, if this is done the transferred funds become subject to the limitation. Thus, while some employees of the Department of Agriculture involved in formulating and carrying out price support programs have been paid from CCC moneys transferred from the CCC fund to a department appropriation, apparently it has been the practice of the Department over the years to request in specific appropriations funds to pay the salaries and expenses of the Secretary and certain other officers and employees involved in formulating and carrying out such programs.

As indicated in your letter, we have long held that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available for such use in the absence of the specific appropriation. We have also long held that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropria-

tion to the exclusion of any other for such purpose is required, in the absence of changes in the appropriation acts.

We see no significant distinction between using an otherwise available general appropriation for a particular object, when there is a specific appropriation for such object, and using corporate funds for a purpose for which a specific appropriation has been made, in order to avoid a limitation pertaining to the specific appropriation. Thus, we agree that avoiding the limitation involved here by paying the salaries and expenses of officials and employees of your Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would, in effect, be contrary to the rules established in our above-cited decisions. In any event your Department would have no authority to use CCC funds to pay the salary and expenses of the Secretary of Agriculture incident to the functions imposed on him by law, since, as indicated above, the duties and responsibilities of the Secretary are separate and apart from those of CCC.

In light of the foregoing it is our view that CCC funds which are on hand or are received by CCC from the repayment of loans or the sale of commodities may not be used—in order to avoid the appropriation limitation—to pay the salaries and expenses of those employees of your Department who would be engaged in formulating and carrying out the price support program and whose salaries and expenses would be otherwise fully paid from appropriations made specifically for that purpose.

Question No. 4 is answered accordingly.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

OPPOSITION BY FARM ORGANIZATIONS

Mr. HOLLAND. I would also like, Mr. President, to call to the attention of the Senate the opposition to the limitation which has been expressed by the various farm organizations representing a large segment of the agricultural producers of the Nation.

First, I ask that the statement of the National Grange be included in the RECORD.

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

STATEMENT OF THE NATIONAL GRANGE

NATIONAL GRANGE,
Washington, D.C., June 6, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLAND: As Master of the National Grange, I appreciate this opportunity to apprise this Committee of the Grange's opposition to changing present farm programs by the indirect or "back door" method of amendment to the appropriation bill, H.R. 11612, now pending before this Committee of the Senate.

Present supply-management farm programs were developed and enacted by the Congress for the two-fold purpose of maintaining a reasonable income for the American farmer and a plenteous food and fiber supply for all Americans.

We firmly believe that changes in such programs should come only after hearings before the appropriate committees of the Congress.

Final approval of the $20,000 limitation on the aggregate payments a single farmer can receive under the cotton, feed grains, wheat and wool programs will upset the production control features of the Agricultural Act of 1968 by forcing the large farmer to operate outside the program. We wholeheartedly support Secretary of Agriculture Hardin's testimony before this Committee which has given conclusive evidence that the imposition of the $20,000 limitation will not save the government money, but will instead trigger the so-called "snap back" provisions of the present cotton program. These provisions call for the loan support price to increase from the present 21¢ per pound to 31½¢ per pound if payment limitations are imposed.

At the present time, the cotton program is costing the Federal Treasury approximately 10¢ per pound. The $20,000 limitation of payments would increase the Federal Treasury's investment in cotton to approximately 20¢ per pound.

The net result would be as follows:

(1) Increase in support price or loan price from 21¢ to 31¢ per pound.

(2) This incentive for increased production would swell cotton stocks in C.C.C.

(3) To enable U.S. to sell cotton on world markets would cost the Treasury an additional 10¢ per pound in an export subsidy.

(4) Loss of foreign markets would further reduce our balance of payments.

(5) Higher price of cotton would mean further loss of domestic market to man-made fibers.

(6) The estimated cost of the $20,000 limitation of payments would increase the cost to the Federal Treasury by approximately 700 million dollars.

In light of the above, if you are interested in saving money on the agricultural appropriations bill for fiscal 1970, we would urge you to remove the limitation of payments amendment from H.R. 11612.

Sincerely,

JOHN W. SCOTT,
Master.

Mr. HOLLAND. Mr. President, I now quote briefly from that statement:

At the present time, the cotton program is costing the Federal Treasury approximately 10 cents per pound. The $20,000 limitation of payments would increase the Federal Treasury's investment in cotton to approximately 20 cents per pound.

The net result would be as follows:

(1) Increase in support price or loan price from 21 cents to 31 cents per pound.

(2) This incentive for increased production would swell cotton stocks in C.C.C.

(3) To enable U.S. to sell cotton on world markets would cost the Treasury an additional 10 cents per pound in an export subsidy.

(4) Loss of foreign markets would further reduce our balance of payments.

(5) Higher price of cotton would mean further loss of domestic market to man-made fibers.

(6) The estimated cost of the $20,000 limitation of payments would increase the cost to the Federal Treasury by approximately 700 million dollars.

Mr. President, that quotation was from a letter written by the master of the National Grange, Mr. John W. Scott, to the Senator from Florida, dated June 6, 1969.

I also ask unanimous consent that the statement of the National Milk Producers Federation be printed in the RECORD at this point.

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

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., June 6, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: In view of efforts to limit the amount of money that any farmer may receive as a result of complying with price support programs, we should like to express our opinion in opposition. We are deeply concerned since such limitation was included in H.R. 11612.

Although milk would not be affected by a limitation on payments to individual farmers, as contained in H.R. 11612, it is our view that any such limitation would seriously impair the effectiveness of the price support program to the detriment of all agriculture.

Milk produced on farms throughout all fifty states of the Union represents the largest agricultural commodity subject to mandatory price support. The price support program as applied to milk under the Agricultural Act of 1949 is carried out through a commitment on the part of the Commodity Credit Corporation to purchase butter, nonfat dry milk, and cheese at prices necessary to maintain for all milk marketed by farmers, prices at or above the support level for milk as announced by the Secretary of Agriculture. By use of this procedure, the Commodity Credit Corporation purchases a very small fraction of total production, but the results are to undergird the price structure throughout the entire dairy industry, involving market sales by farmers of some $6 billion per year.

As the price support program is operated for milk, any limitation on payments would render the whole program ineffeotive, since the price received for milk by any farmer is in no way dependent upon milk of such farmer being purchased as products by the Commodity Credit Corporation. The price received for milk by a dairy farmer can in no way be traced to the specific products purchased by the Commodity Credit Corporation.

The National Milk Producers Federation is not intimately familiar with price support operations as applied to other commodities. Nevertheless, the goal of price support legislation has as its purpose the strengthening of market prices for all agriculture, and it would be our view that any limitation on payments under any of the programs would seriously impair the goal. If the agricultural production of large units were excluded from price support operations through a limitation on payments, the results could only be increased marketings from such units at lower prices, which would serve to depress price levels to all producers. Such a limitation, then, would adversely affect small producers the most and it is the small producers who have greatest need of price enhancement.

The National Milk Producers Federation is the oldest and largest farm commodity organization in America, having been organized in 1916. Its membership is comprised of local and regional associations doing business throughout the fifty states. Thus, we have a vital interest in the price support program and in a healthy agricultural economy.

We would appreciate it if you would make this communication part of the hearing record.

Sincerely,

PATRICK B. HEALY,
Secretary.

Mr. HOLLAND. I also ask unanimous consent that a letter from the National Association of Wheat Growers be printed in the RECORD:

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

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, D.C., June 5, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Senate Committee on Appropriations, New Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: The National Association of Wheat Growers wishes to submit

this letter for the record of the June 4 hearings before the Agriculture Subcommittee of the Senate Appropriations Committee.

In the view of our association, a limitation of payments to any one farm under the regulation of the wheat section of the 1965 Farm Act would be inconsistent with the major intents of that program. We also feel that an imposition of limitations would act to the detriment of our small farmers although their individual payments would not be affected by the proposed limit.

The present wheat supply management program was designed to adjust annual U.S. wheat production to within reasonable proximity of annual U.S. wheat disappearance. To accomplish this goal it is necessary to divert a specified number of acres from wheat production each year. If the program does not succeed in attracting sufficient acres into the diverted pool, the management of supply fails and the program will not work. If farmer Able is required to divert 100 wheat acres in order to be eligible for compensatory government payments, he has contributed 100 acres to the success of supply management and is paid accordingly. If his neighbor, Baker, must divert 1,000 acres in order to be in compliance, he is contributing 10 times as much toward the program goal as Mr. Able, and he should be paid in proportion. It should also be pointed out that farmer Baker has 10 times farmer Able's investment in his diverted acres, pays 10 times as much taxes on those acres, and has surrendered 10 times as much productive capacity by diverting them. To arbitrarily set payment limitations which would alter proportionate compensation to individual program participants would be unfair and certainly not consistent with the production control objectives as it would discourage voluntary cooperation by larger producers.

In the latter regard, it can be assumed with some certainty that those acres, normally diverted by larger farmers but forced into out-of-program production by limitations, would have to be compensated for by additional allotment reductions to the smaller farmers remaining in compliance. There is very little to recommend this type of secondary penalty.

The National Association of Wheat Growers believes that if an equitable system of farm payment limitation is to be discussed, it should be during consideration of new proposals of general farm legislation.

Sincerely yours,

GLEN HOFER,
Executive Vice President.

Mr. HOLLAND. I also ask unanimous consent that the statement of the American Farm Bureau Federation be printed in the RECORD at this point.

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

JUNE 5, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Agriculture, Senate Appropriations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: In response to your announcement of June 4th that the hearing record on the subject of the payment limitations provision of H.R. 11612, the USDA Appropriations Act for fiscal 1970 as passed by the House, would be open for statements by interested individuals and organizations, we are asking that you include this letter as a part of that record.

In our appearance before your Committee on April 18, 1969, we addressed ourselves to the matter of overall farm policy, including payment limitations. We stated in part as follows:

"The budget request before you comes close to full restoration of losses through 1968. That request for $6,215,934,000—$3,534,542,000 in New Spending Authority and $2,681,392,000 in liquidation of contract authority—is a record. We mention this only to reaffirm our earlier point—that the rapidly rising costs of carrying out the Food and Agriculture Act of 1965 must be of concern to all of us who have responsibility in agriculture policy.

"Again, we realize there is little this Committee can do by itself to change the course of these expenditures. The Act itself provided for a virtually uncontrolled expenditure of funds. We think it unfortunate that a number of people are suggesting today that the only way to get control of CCC expenditures is to place a limitation on the amount of payments any farmer may receive. Instead of supporting payment limitations, we support new legislation to phase out payment programs, thus making any such limitation unnecessary.

"We know that the Farm Bureau proposal to change the direction of the farm program will have no bearing on spending during fiscal 1970, or, for that matter, fiscal 1971. But we also know that it is necessary for committees such as this to look further into the future than one or two years in making expenditure plans. We are attaching as an appendix to this statement a two-page summary of the legislation we are proposing.

"We hope you will study it, keeping in mind that it is designed to help solve not only the income problems of agriculture, but also some of the fiscal problems of the Commodity Credit Corporation and the U.S. Treasury."

The above statement was based upon the following policy adopted by the official voting delegates to the most recent annual meeting of the American Farm Bureau Federation:

"The Food and Agriculture Act of 1965 has been extended through December 31, 1970. This legislation has resulted in a very unsatisfactory level of farm prices for the covered commodities. We oppose the compensatory payment provisions of the Act of 1965.

"We favor legislative action on future farm program policy in 1969. Further delay in coming to a decision on this issue would only make the problem of adjustment more difficult for farmers.

"The problems of agriculture in the United States can be divided generally into two categories: first, the problems of commercial farmers and, second, the problems of other farmers. For too long we have attempted to apply the same remedy to the ills of both categories.

"We will support a transitional program to deal with the problems of noncommercial farmers. This could take the form of whole farm cropland retirement, permanent retirement of allotments, adjustments and retraining assistance, or other means.

"For the commercial farmer, we recommend a program which would move as rapidly as possible to the market system by phasing out acreage bases, acreage allotments, marketing quotas, and compensatory payments, with no limitations on payments to individuals during the phase-out. The following objectives should be observed in developing such legislation:

"It should include a practical land retirement program to facilitate needed adjustments in land use. This program should be voluntary, provide for competitive bids, take cropland out of production with emphasis on whole farms, and prohibit the grazing of any crop from retired acres.

"It must encourage production for use rather than government storage.

"It must assure adequate supplies of all qualities of farm products to meet market demands.

"It should assure expanded research to cut production costs and improve farmers' ability to compete in the market place.

"It should emphasize effective action to expand exports."

We trust that this statement makes the Farm Bureau position clear.

Yours very truly,

MARVIN L. MCLAIN,
Legislative Director.

Mr. HOLLAND. I quote briefly from the statement, as follows:

We think it unfortunate that a number of people are suggesting today that the only way to get control of CCC expenditures is to place a limitation on the amount of payments any farmer may receive. Instead of supporting payment limitations, we support new legislation to phase out payment programs, thus making any such limitation unnecessary.

Mr. President, today I contacted the office of the Farm Bureau Federation here in Washington, and they reiterated to me the fact that under no circumstances do they wish to support this limitation, that they have prepared and have ready for introduction legislation which they will support, which they think will correct this matter. Whether we will support that legislation or not is another question. Whether we will support the legislation now being prepared by the Secretary of Agriculture is also questionable, until we know the contents of his recommendations.

The fact is that we will have the chance to work our will in this matter, after having looked at the whole picture, within a few months from now, without working this terrible injury and inequity upon hundreds of thousands of men and women in the various farm industries who would be adversely affected, and without working upon our Nation the additional cost without benefits. Not only would the additional cost be borne by our already overstrained budget, but the additional surplus production, which we could not hope to dispose of domestically, would be placed in our warehouses and result in additional costs for storage. That would be a tragedy, for us to reverse the trend of the last few years, when we have been trying to get rid of these large surpluses.

I have one other letter which was forwarded to the committee by Senator MAGNUSON. This letter, which appears on page 58 of the Senate hearings, indicates that the proposed limitation would cost the schools of the State of Washington nearly $200,000 per year. I ask unanimous consent that this letter also be printed in the RECORD.

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

STATE OF WASHINGTON,
DEPARTMENT OF NATURAL RESOURCES,
Olympia, Wash., May 29, 1969.

Hon. WARREN G. MAGNUSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR WARREN: On Monday, May 26, Julia Butler Hansen contacted us and requested some supporting arguments for exception of the state-owned lands from the proposed dollar limitation in the farm subsidy program that was being considered in HR 11612.

The proposed restriction limits the payment from the federal government to $20,000 maximum to any one producer. Under the current interpretation of the existing statutes, our 130,000 acres of sharecrop cereal

grain lands in Eastern Washington are considered as owned by "one producer". We have, as you know, proposed a change in this definition several times. The current proposal in HR 11612 would cost our schools nearly $200,000 per year.

We have heard indirectly that HR 11612 passed without an exception being provided for our state-owned lands. We do not know that this is so, but in the essence of time we are forwarding the attached information to you.

We certainly would appreciate any assistance that you might give us in effecting an exception for our state-owned lands.

Very truly yours,

BERT L. COLE,
Commissioner of Public Lands.

Mr. HOLLAND. Without quoting the letter, it simply indicates supporting arguments by one of the States in the West which owns great areas of land itself, and is producing from that land various products, and would like it and its tenants to receive from the Government various payments under existing law—payments a part of which come to the State itself—amounting to more than $200,000.

The last letter which I request to have printed in the RECORD does not appear in the printed hearings since it was received after the hearings were printed. This letter is from the Grain Sorghum Producers Association, addressed to me, dated June 24, 1969. I ask unanimous consent that the letter be printed in the RECORD.

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

GRAIN SORGHUM
PRODUCERS ASSOCIATION,
Lubbock, Tex., June 24, 1969.

Hon. SPESSARD L. HOLLAND,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: Our request is that you support the 1970 agriculture appropriation bill as the Senate Agricultural Committee voted it out of their committee. We especially hope that you will vote against any amendment to limit payments to farmers at any level.

Living in an area that will be affected most by such limits, we are convinced that it would wreck the farm program. Regardless of the size of a farmer, it now takes all the crop plus about two-thirds of the payments to pay the *high cost of farming.*

Many of our farmers produce both cotton and grain, and while the cotton payments are the largest, we feel the feed grain producers would be hurt first. When the larger farmers start looking for ways to cut their payments, the easiest way is to plant grain on all land above the required 20% diversion or go out of the grain program entirely. This additional production from the large farmers will break the grain prices and hurt everyone including the small farmers.

We know that the proposed limitations are unjust and not in the national interest. The Secretary of Agriculture has pointed this out also. We hope you will use all the influence that you can to kill any limitation of payments amendment when it comes before the Senate.

Thank you for your consideration in this matter.

Sincerely,

ELBERT HARP,
Executive Director.

Mr. HOLLAND. Mr President, I had intended at this time to ask for the adoption of the committee amendments, with certain exceptions. Since I see that the Senator from New York is not present in the Chamber, I shall defer that request until a later time. I am happy now to yield to the distinguished Senator from Nebraska, the ranking minority member of the subcommittee which labored a good many weeks on this bill, and who has done such a faithful, capable, and patriotic job.

Mr. HRUSKA. I thank the Senator. I should like to have recognition, however, in my own right later, so that I may yield to the Senator from Illinois, with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear in the RECORD at the conclusion of those which I shall make on the bill.

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

Mr. DIRKSEN. Mr. President, first let me commend the distinguished Senator from Florida and the distinguished Senator from Nebraska for the excellent job they have done on the agricultural appropriations bill.

I presume no Senator who has never served on the Appropriations Committee can fully understand what a laborious task it really is. You not only labor with it all day long, but you labor half the night; and I think that fact nearly cost me my eyesight when I was in the House of Representatives.

But I have served on House and Senate Appropriations Committees over the years for a total period of nearly 17 years; and I have some idea of the work that goes into it, and how much it demands of an individual Senator's time. So I do commend the Senator from Florida most heartily for his work and the diligence he has shown, and I do the same for my distinguished friend from Nebraska and my distinguished friend the Senator from North Dakota (Mr. YOUNG), who is the ranking Republican member of the committee, and has labored so long and earnestly in the appropriating field.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YOUNG of North Dakota. I thank the Senator.

If I may be permitted to reminisce a little bit, when I first became a member of the Senate Subcommittee on Agriculture Appropriations, the distinguished minority leader was chairman of the House Agriculture Appropriations Committee, and his colleague, the late Senator Curly Brooks from Illinois, was chairman of the same Senate committee.

I remember 1 day when we were studying this bill, as we usually did day after day, he said, "We had better know this bill backwards and forwards, because Mr. DIRKSEN, on the House side, is very familiar with it. He knows it very well, and we had better be well posted."

Mr. DIRKSEN. Well, Mr. President, in the days when I was in the House of Representatives, and particularly on the Appropriations Committee, I thought all wisdom and all knowledge reposed in the House of Representatives. I tried to make that manifest to the Senators when we sat down in conference on these appropriation bills.

I am not sure that I always made the case, because there were many times when, in the somewhat vulgar parlance of the day, I had my ears pinned back, and good. So I learned to have a proper respect for the U.S. Senate, and when I thought it had earned that respect to which it was entitled, then I made up my mind that I ought to come here, and I did.

Mr. HRUSKA. Mr. President, before beginning my comments on the bill, I should like to pay a personal tribute to the very sound, careful, and thoughtful manner in which the bill has been handled by the chairman of the Agriculture Appropriations Subcommittee, the distinguished Senator from Florida (Mr. HOLLAND). It can be said that his mode of conducting hearings, assembling information and completing consideration of this bill is a model by which others may judge their own conduct when they are similarly placed in a position of leadership such as the position which he occupies.

Mr. President, we considered two budgets this year, one budget having been submitted by President Johnson, later presented in revised form by President Nixon. There were very distinct differences between those budgets, and the chairman did a remarkable job guiding the hearings through the changes. As ranking Republican on his committee for 3 years, I can testify to his dedication and fairness in serving the best interests of the Nation's farmers. The Senate is very grateful and appreciative, I am sure.

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

Mr. HRUSKA. I yield.

Mr. HOLLAND. I wish to express to the Senator my appreciation for his overly generous statement.

Mr. HRUSKA. The Senator will be his own judge as to whether it is overly generous.

Mr. HOLLAND. I thank the Senator.

Mr. HRUSKA. Due to budget stringencies, the Agricultural Appropriations Subcommittee reviewed the proposed amended budget with close scrutiny to weigh priorities and assess the impact of the major cuts and reductions proposed by the Department of Agriculture and by the House of Representatives in the bill. The result represented our best composite judgment on the subcommittee and on the full committee.

The bill this year as reported by the Senate committee is a reduction from the 1969 fiscal year level of over $500 million. The new budget authority enacted to date for fiscal 1969 is $8,178,899,650, and the new budget authority contained in the committee bill is $7,636,797,650.

However, the committee bill does represent an increase over the budget amount proposed by the Department of Agriculture and the amount contained in the bill as it came from the House. The budget estimate for fiscal 1970 of the Department of Agriculture is $6,967,562,050. The new budget authority recommended in the House bill is $6,806,655,000, which is $830,142,650 less than the Senate committee bill.

Although it would appear that the

Senate committee has been excessive in funding agricultural programs when compared to the House, this appearance is deceiving, and upon close examination is seen to be unfounded. The Senate committee, under the able leadership of its chairman sought austerity wherever it could be achieved without doing permanent harm to some segment of our agricultural industry, and without undermining sound fiscal policies of the Department. On the other hand, where the need was urgent and compelling, or where delay of an appropriation now would only require a supplemental appropriation later, the committee decided that adequate funding in this bill, even though higher than the House-approved items, would be in the public interest.

The agriculture budget is not just a subsidy for farmers, although that is the erroneous impression of many people. Certainly the cost of the price support programs supervised by the Commodity Credit Corporation is a large item in the budget. But, other items in this budget of lesser monetary sums have great importance to many segments of our society and our economy. Protection of the consumer, for example, is a major concern of the agricultural budget. The towns of rural America also receive important attention. Of equal importance are the children and the families of America who are in need of food assistance in order to achieve a healthy level of nutrition; these programs were of vital and immediate concern to the Senate committee.

Mr. President, I indicated a moment ago that the action taken by the Senate committee was responsible and that it represented our best composite judgment. Notwithstanding the fact that the budget approved by the committee is a little over $800 million more than what the House had approved, we are not budget busters. We have acted responsibly in the face of mounting expenditures brought about for a number of reasons. Three items alone encompass about $750 million of the $800 million by which the House-approved figure was exceeded.

COMMODITY CREDIT CORPORATION

The principal item in the Senate bill is $5,215,934,000 to reimburse the Commodity Credit Corporation fully for its net realized losses, or the cost of the Nation's farm programs, for fiscal year 1967, the balance of the 1961 inventory revaluation, and partial reimbursement of 1968 losses.

The new obligational authority recommended is the same as the budget estimate, but it is $250 million above the House amount. Last year the Bureau of the Budget refused to request adequate restoration for losses of the Corporation. The Senate committee report warned that failure to request further restorations would require a supplemental appropriation. This warning proved to be accurate.

The Senate committee, as the distinguished chairman (Mr. HOLLAND) pointed out, welcomes the administration's request to restore all prior year losses except for $250 million of those incurred in 1968. It is a responsible move.

FOOD STAMP PROGRAM

The second significant figure in the committee bill departing materially from the House bill is the amount of $750 million for the food stamp program. When, on June 24, the Senate adopted Senate Joint Resolution 126, which would raise the appropriation limit for the food stamp program from $340 million to $750 million, it properly became a subject for the Senate committee to consider in its executive session on the following day when the agriculture appropriations bill was reviewed. Since the budget request for this program was $340 million, and the amount approved by the House was the same, the amount of $750 million represents an increase of $410 million over both.

President Nixon in his message to the Congress on hunger and malnutrition said:

> In the past few years we have awakened to the distressing fact that despite our material abundance and agricultural wealth, many Americans suffer from malnutrition. Precise factual descriptions of its extent are not presently available, but there can be no doubt that hunger and malnutrition exist in America, and that some millions may be affected.

In his message, the President recommended an additional $270 million for the food stamp program for a total of $610 million. However, since the Senate indicated by its adoption of Senate Joint Resolution 126 that it felt $750 million was needed in the coming fiscal year to meet the needs of the hungry in the United States, the Senate committee adopted that judgment.

ANTIHUNGER PROGRAM

The third item is the special milk program. The committee recommends an appropriation of $84 million for the program which is to be financed by general revenue funds under our bill, rather than by transfer of funds from section 32 as is provided in the House bill. The House-passed bill contained an item of $120 million for the special milk program, but the entire amount was to be taken from section 32. It was found, however, that to follow the House recommendation, section 32 would be reduced to $180 million, which the Senate committee did not feel would be adequate for the basic purposes of section 32. Such purposes are to stabilize price depressed markets of perishable commodities by surplus removal operations. For this reason, the committee placed the special milk program under general revenue.

The committee also approved an additional $20 million for providing milk to children in nonprofit schools, child day care centers, summer camps, and similar nonprofit institutions which are devoted to the care and training of children. The $20 million, however, is to be transferred from section 32.

Although the child nutrition and feeding programs are being greatly expanded by the Department, I feel that continuance of the special milk program for the coming fiscal year will insure that where the expanded program is delayed in reaching certain children, that these children can still receive daily milk, which nutritionists consider the most vital ingredient to healthy growth.

As President Nixon said in his message:

> The moment is at hand to put an end to hunger in America itself. For all time.

The committee is attempting to meet this challenge.

In total these three items amount to about $750 million of the $800 million increase in the Senate bill over the House bill.

NONFARM ITEMS IN BILL

Mr. President, there are a few other matters—which have already been touched upon during the course of the afternoon—which should be discussed during this debate. First, is the attack upon the farmer which we hear each year for costing the Government billions of dollars to subsidize him, and for getting the sole benefit of these tremendous agricultural appropriations. But the facts are, and it should be widely circulated, that there are many parts of this appropriation which go to programs other than for the farmer.

The subcommittee staff has prepared an analysis of the expenditures contained in the fiscal year 1970 estimate, which are charged to the Department of Agriculture, but which clearly provide benefits to commerce, to businessmen, and to the general public.

They total $3.9 billion for nonfarm usage, and $3.1 billion for other programs, which are predominantly for the stabilization of farm income but which also benefit others, such as Commodity Credit Corporation price-supported and related programs. Thus, there is a far larger part of the total appropriation being devoted to nonfarm items as compared to those which are so-called farm items.

The analysis which I have, indicates just how many of these billions go to the farmers and how many of these billions go to other parts of the population and other Government activities.

Mr. President, I ask unanimous consent that this tabulation be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, let me also emphasize that the Federal funds used directly to aid and assist the American farmer could be put to no better purpose.

Agriculture is the mother of us all. Not so many generations ago, almost all of our forebears were farmers. Today, agriculture still supplies us with the great part of our most basic necessities—food and clothing.

Agriculture is the Nation's biggest single industry, employing more people than the auto industry, the steel industry, the transportation industry and the utility industry combined. Yet, because of greatly improved technology and a chronic price-cost squeeze, our farm population has declined from 30.2 million in 1940 and 23 million in 1950, to an estimated 11.6 million in 1966. Our farmers nevertheless provide a greater contribu-

tion to the economy than ever before, even though they are fewer in number.

This is not to indicate, however, that all farmers are well-to-do, nor that rural America is prospering.

POVERTY IN RURAL AREAS

Although the population of rural America is less than 30 percent of the total population of our Nation, half of the Nation's poor, half of those receiving old-age and child-care assistance, and almost half of the Nation's people living in substandard housing are in rural America. Nearly 14 million rural inhabitants, one out of every four, are poor. Most rural families have not achieved a level of living comparable to most urban Americans.

Mr. President, I ask unanimous consent to have inserted at this point in my remarks a table from the 1960 Census of the Population showing the number of rural and urban persons and families in poverty.

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

TABLE 14.—NUMBER OF PERSONS AND FAMILIES IN POVERTY, BY RESIDENCE, UNITED STATES, 1960 AND 1965[1]

[Figures in millions]

Persons and unrelated individuals	1960		1965	
	Persons	Families	Persons	Families
Total in poverty	41.3	.....	35.3	.....
Urban	22.6	.....	19.4	.....
Rural	18.7	.....	15.9	.....
Nonfarm	13.0	.....	10.5	.....
Farm	5.7	.....	5.4	.....
In families	34.9	8.7	29.0	7.0
Urban	17.8	4.6	15.9	3.8
Rural	17.1	4.1	13.1	3.2
Nonfarm	11.6	2.8	8.9	2.1
Farm	5.5	1.3	5.2	1.1
Unrelated individuals	6.4	.....	5.3	.....
Urban	4.8	.....	3.5	.....
Rural	1.6	.....	1.8	.....
Nonfarm	1.4	.....	1.6	.....
Farm	.2	.....	.2	.....

[1] Poverty thresholds for nonfarm families, developed by Mollie Orshansky (Social Security Bulletin, January and July 1965), in terms of family money income, were determined by (1) costing nutritionally adequate economy food budget for families of various compositions regarding number, age, and sex of members; and (2) multiplying that food cost by 3 poverty threshold for farm families is 85 percent of the money income of the relevant nonfarm family. The range of poverty threshold incomes is nonfarm, $1,580 for 1-person family under age 65 to $5,090 for family of 7 or more persons; farm, $1,340 for 1-person family under age 65 to $4,325 for family of 7 or more persons.

Source: 1960 figures derived from 1960 Census of Population, Urban, rural, and nonfarm rural populations for 1965 were estimated from Current Population Survey data by Office of Economic Opportunity. (See Dimensions of Poverty, Office of Economic Opportunity, 1965.)

Mr. HRUSKA. We hear the argument that the farm programs are granting enormous subsidies to farmers and that these subsidies should be limited or eliminated. To do either would threaten the very existence of the small, struggling farmer in rural America. The farmer is losing ground fast enough. He is entitled to make a fair living the same as the rest of the population. He is entitled to be placed in a position where he can continue his operations; and his problems are many. In this bill the farmer does not receive any largesse or handout; he receives merely a minimum of Federal aid to help him continue to produce food and fiber for the American consumer at a cost to the consumer of about 17 percent of his income, which is the lowest in the world.

In fact, depression is far more common in American agriculture today than prosperity. During the last 8 years practically one farmer out of every four has been forced off the farm. In 1968, there were four million farms in America; today, there are less than three million. The farms are being abandoned, and the towns in the farming regions are being deserted.

At this point, Mr. President, I should like to revert to a subject which was discussed briefly earlier this afternoon. It has to do with the fashion in which the press generally, and many commentators, whether in the press or over the air, comment on what these payments do and do not do.

During the course of my remarks I shall quote from and comment upon an article which appeared in the June 20 issue of Time magazine, at page 81. In doing this, I want to make perfectly clear that that journal is one of my favorites. I have been reading it since it was first published. I think it does an outstanding job in the field of journalism.

In the article from which I shall read and upon which I shall comment, we find a very scholarly and spendid analysis and commentary on the critical fight against inflation. It is competently written, and it is certainly directed toward the current situation. But an unfortunate statement crept into the article. After an analysis of the causes and the tremendous impact and detrimental impact upon America caused by inflation, this article went on to say, "Now, we are not just going to call attention to this situation. We want to be constructive about it, so we are going to try to propose some specific measures and proposals." It is put in good form, in this way:

> The economy can fairly comfortably tolerate an inflation rate of 2% yearly, and the Government should aim at that. To do any better, most economists agree that there must be far-reaching reforms.

And then we find the nubbin of my objection:

> As an obvious starter, Congress should scrap the farm-subsidy programs, which not only cost taxpayers $5.7 billion a year but artificially inflate the prices of cotton, wheat, corn, soybeans and rice. The subsidies also help to drive up the price of farm land, adding another push to the price of produce.

Mr. President, somewhat reluctantly and regretfully, I must disagree with that characterization of the farm program. It is not only an unfair statement; it is totally inaccurate.

In the first place, $5,700,000,000 is not a correct figure as the cost of the farm subsidy program. In the second place, there is not undue inflation of prices in the agricultural field.

Let me read the price record of the commodities cited by Time as being inflated.

Wheat—the farmer's share of the consumer's dollar for wheat products has changed little in the past two decades. In fact, if farmers gave their wheat away, bread prices would be only 2½ cents less. This is inflationary?

Much the same is true for other commodities cited by Time.

The season average market price received by farmers for corn in 1968 was $1.06 per bushel. In 1966, farmers received an average of $1.24 per bushel for corn, in 1960, the figure was $1 per bushel, and in 1950, it was $1.52 per bushel.

Mr. President, a reduction from $1.52 in 1950 to $1.06 in the current year is hardly inflationary.

Cotton farmers received an average of 22.10 cents per pound for their 1968 crop. In 1966, they received 20.84 cents per pound, in 1960, the figure was 30.19 cents, and in 1950 it was at 40.07 cents.

That cannot be called inflationary.

Soybean producers received an average price of $2.42 per bushel for the 1968 crop, down from $2.75 per bushel in 1966 but up from $2.13 in 1960. But in 1950, soybeans returned $2.47 to the farmer, 5 cents more than 18 years later.

Just in passing, I might point out that soybeans are the number one dollar earner of all U.S. agricultural exports. Thus, soybeans make a big contribution to the Nation's balance of payments and help to curb inflation. In 1968, soybean exports, including oil and meal, totaled $1,110,000,000—almost 2½ times the $451 million worth exported in 1960. And the increase was practically all in dollar sales. Specifically, soybeans exported under Government programs totaled $101 million in 1960 and $112 million in 1968.

Rice producers in 1968 received an average market price of $4.89 per hundredweight, 6 cents less than 2 years earlier. In 1950, rice producers received $5.09 per hundredweight—20 cents more than in 1968.

It is a distortion of the facts to point the finger of inflation at these commodities.

By contrast, if you buy a copy of Time on the newstand, it will cost you 50 cents. I can recall that it was only a year or so ago when the magazine cost 35 cents.

Time also erred when it reported the cost of price support and related Federal farm programs. Time set the figure at $5.7 billion a year when in reality for fiscal 1970 it is expected to run $3 to $3.5 billion. The $5.7 billion figure includes, in addition to farm price programs, such items as meat inspection, food distribution to low-income people, research on nutrition, disease and pollution, and other programs which benefit all Americans, not just farmers.

I get weary of the editorial downplay frequently given to U.S. agriculture—an industry which is the marvel of the world for its efficiency.

Farmers, more than others of our economy, are victims of inflation rather than the instigators. And I can tell you, as a Senator from a farm State, that they are not very happy about the squeeze they are in.

They see all around them that prices for things they buy are rising. But the prices they receive for many of their products are declining.

The facts are that the index of prices received by farmers for all crops in 1968 was just 3 percent higher than in 1960 and slightly below the mid-1950's. There

is no way anyone can label this as inflationary when in those same years—1960 to 1968—prices paid by farmers for production goods increased 20 percent.

Yes, retail prices for food have increased. But if Time magazine is looking for a culprit it will not find it on the farm.

It might be added that recently, in the first part of June, in a few sales of choice fat steers on the Chicago market, the price of $35 a hundredweight was obtained. Almost 20 years earlier, that same figure, $35, was paid for choice fat steers on the Chicago market; but if we were to translate the $35 received in 1969 into constant dollars, we would find they actually had received only $20 in value. It means, of course, that the prices of things which the farmers must buy and with which he lives and with which he implements his farm and with which he produces have gone much higher, whereas the prices of the commodities that he brings to the market are much lower.

I do not like to belabor this point except it has to be done periodically, it seems, and unless it is done on the floor of the Congress, I do not know where it can be done. I do not know, in fact, what effect this explanation has, but, in all fairness, I think these matters should be brought out.

I want to say again that, in all fairness, the designation of the gross budget for the Department of Agriculture as being for farm subsidies is not confined to any one journal, editorial writer, or commentator. It is a fairly typical comment and fairly often repeated. Repeatedly, in recent years, this Senator has called attention to similar erroneous labeling.

If the "obvious starter" recommended by Time magazine were made, and the $5.7 billion for fiscal year 1969, were scrapped, here are some of the items that might be deleted:

There might be deleted from this budget approximately $2 billion for the purpose of distribution of food stamps, school lunch programs, school milk programs, direct distribution of food to institutions and other programs, despite the fact that this year the heaviest of emphasis is being placed on the problem of feeding the hungry.

There is also programs for the revitalizing of rural areas which might be deleted, despite the fact that more than one-half of the poor of the Nation live in rural areas. There is a substantial item in the budget for that. And if we are to ease the pressure of the ever-growing population upon metropolitan centers caused by migration from the rural areas, one of the necessary antidotes is to see that there be improvement in the living conditions in rural areas.

There is another item subject to deletion by the standard of the article, and that is consumer protection. The consumers place great reliance upon these programs, and I will cite some of them.

We had heated debate in the Senate on behalf of the Wholesome Meat Act in 1967, and this program is now administered by the Department of Agriculture. Yet the Wholesome Meat Act would be nothing but words, and cold print, if it were not for the funds needed to put the provisions of the act into effect. The same is true for the Poultry Products Act of 1968. Food inspection, packaging, and labeling, research for better and more economical ways of marketing foods and for preparing and distributing them in proper fashion, are also included in the area of consumer protection.

Sometimes it is said it would be all right to suspend our research, in view of our budgetary stringencies. When such an argument is made, Mr. President, there is an easy way to answer it.

Suppose we had ceased research and development in the field of agriculture 10 years ago. It would be a most interesting compilation to see the list of things which we take for granted today in our Nation's diet and Nation's food basket, which would be missing from the supermarkets today, if research and development had been suspended.

The same thing can be said, and would be said, of a period of time 10 years hence, if we had a total suspension of efforts in that regard from today.

So we get to the figure of $7 billion for the fiscal 1970 estimate, of which $3.9 billion are nonfarm in character, and only $3.1 billion of which would go for the stabilization of farm income, and yet would serve to benefit even others than the farmer himself.

Now let me turn to the programs to revitalize rural areas.

PROGRAMS TO REVITALIZE RURAL AREAS

Besides farm payments which aid the farmers' income, there are other vital programs assisting the towns of rural America to pursue renewal and revitalization. The appropriations for the Farmers Home Administration, the Rural Community Development Service, the Rural Electrification Administration, and the Soil Conservation Service are items of great importance to such rural renewal.

One example of the services offered under these programs might be the rural water and waste disposal grants. The original figure in the budget was $28 million for this item. It now stands, as a result of Senate action, at a total of $46 million. This is a program of great value, because of its impact upon checking the migration of rural people into metropolitan centers.

During the hearings of the Agricultural Appropriations Subcommittee, Mr. James Smith, Administrator of the FHA testified as follows in response to one of my questions:

> If we are to revitalize rural America, water and waste disposal grants with loans based on ability to repay are vital investments in the future of small rural towns. Without a development grant to defray a part of the cost, many rural communities cannot finance the total cost of a water or waste disposal system. Adequate public facilities in rural communities provide a basis for economic growth. After water or waste disposal systems have been constructed, new houses are built, industry expands and the social and economic life of the community improves. Adequate facilities must be provided to stem the flow of outmigration from rural communities to urban centers.

I could not agree more.

No doubt should be left lingering on this point. The problems and fate of the small towns of America are inexorably interwined with the problems and fate of our urban centers. There are now 130 million people living in big cities whose total area covers hardly more than 1 percent of the United States. The rest of the country with its vast natural resources, remains relatively underpopulated and underdeveloped; and yet thousands of small cities and towns are almost ideally situated to accommodate industry, business development and more people. The efforts of the Department of Agriculture in these rural development programs deserve the support of my colleagues in this Senate because of the help that they will provide to a vast part of the American population to attain a more normal way of life.

Farmers, too, have as much or more to gain than anyone from the development of rural America. It will bring more local processing and packaging of farm products, as well as increased local consumption and demand for various products of the land. It will mean more local opportunities for farm as well as nonfarm families. There would be more incentive to build for the future. Farming will become increasingly related to the total land economy.

CONSUMER PROTECTION

Another item which I have already commented upon is consumer protection—those programs providing protection for the consumer, for his health, for his dollar spent on food, and for his environment.

The Consumer and Marketing Service is most responsible for the programs which protect the consumer's health and pocketbook. It supervises the mandatory meat and poultry inspection programs to assure that all meat and poultry products shipped in interstate and foreign commerce are wholesome.

Additional funds are needed under these programs to provide a continuing high level of Federal inspection of products in interstate commerce. The increasing use of new convenience foods in both the food service industry and households, and the greater use of prepackaged meat products are requiring a growing program need of inspection. Also, slaughter inspection and processing inspection require increased funds to keep pace with increased industry activity to insure that no adulterated, contaminated or diseased products reach the consumer's table. It is a small price to pay for the commendable protection achieved.

The Packers and Stockyards Administration serves the consumer with equal diligence in similar fashion. The main objective of this service is to maintain free competitive practices in the marketing of livestock, meat, and poultry. It operates currently to suppress monopoly, fraud, or restraints of trade in the marketing of $15 billion worth of livestock,

nearly $2 billion worth of live poultry, and about $20 billion worth of meat and dressed poultry annually. The effect is to aid the consumer in obtaining the greatest bargain in America—food.

Consumer protection also includes the research activities on agriculture-related pollution.

An estimated $1 billion annually would be required for the first 5 years to fully implement the total projected program for controlling agriculture-related pollution, according to one recent report. This amount represents an increase of approximately 60 percent over current funding. The largest expenditures projected in this report are by the Department of Agriculture.

The conscience of the Nation has been directed with great intensity toward this field. Budget cuts prevented any such undertaking by the Department of Agriculture in fiscal 1970, but certain modest activities have been encouraged by the Senate committee. One such activity is research in animal waste management. The volume of wastes from livestock and poultry production is estimated at 1.7 billion tons annually. About one-half of this amount is produced by animals in concentrated production systems, such as feedlots. Statistics on animal waste show that one steer is equivalent to 16 people, so the impact of a large feedlot is readily imaginable. These animal wastes are a growing concern in the abatement of water, air, and soil pollution. The Senate committee added $250,000 to the budget of the Agricultural Research Service to stimulate greater effort in this area of research.

In light of the conclusions of the pending publication of a National Academy of Sciences-National Research Council report on persistent pesticides and their effects on man, agriculture, and the environment, I must emphasize the need for the Department of Agriculture to undertake studies on the possible long-term effects of low levels of persistent pesticides. The Department budget contains an item of $100,000 for a pesticides coordination fund for control and regulation work related to the registered uses of pesticides. This might be the appropriate fund to be used to encourage research in earnest.

Mr. President, on this issue I ask unanimous consent that a letter and report from Dr. R. J. Anderson, Associate Administrator of ARS, to Senator HOLLAND be included in the RECORD at the conclusion of my remarks. It reflects a growing concern about pesticide pollution.

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

(See exhibit 2.)

Mr. HRUSKA. Mr. President, briefly, another area of such research is the expanded enforcement activity under the Federal Insecticide, Fungicide, and Rodenticide Act. Under this act, the Department seeks to protect the public from misbranded, adulterated, unsafe, and ineffective pesticide products. The Senate committee restored the budget item to the amount of $4,106,100, as requested by the Department but reduced by the House.

LIVESTOCK AND CROP REPORTING

Two items remain which I wish to discuss. These items relate very closely to my home State of Nebraska because they deal with livestock which is Nebraska's greatest industry. Neither of these items had been included in the Department budget, nor had they been included in the House-passed bill. However, the Senate committee after careful consideration placed these items in the budget because of their importance to the livestock industry.

The first item is $1 million to initiate a multiframe sampling program to improve the accuracy and reliability of livestock estimates, with particular emphasis on cattle and hogs. In the past, the livestock industry has suffered disastrous consequences as a result of unreliable statistics. A multiframe sampling program seems to be the best answer. It will get away from voluntary response to questionnaries in trying to arrive at estimates, and trying to go about it in a little more affirmative and positive scientific fashion.

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

Mr. HRUSKA. I am happy to yield.

Mr. HOLLAND. In addition to all his other services in the drafting of this bill, I want the RECORD to show that the Senator from Nebraska was the moving force in connection with this improvement, and it will be a very great improvement, in collecting statistics on livestock, meaning beef and hogs, and I want him to have credit in the RECORD for having initiated and seen through this important amendment.

Mr. HRUSKA. I thank the Senator from Florida very much.

It is not easy to get enthusiastic about an improvement in statistics reports, Mr. President, but all farm marketing, both crops and livestock, in 1968 totaled $44 billion. Out of that total, livestock and livestock products accounted for 58 percent. They accounted for a total of over $25 billion. Unless we have reliable marketing statistics, the basic statistics that will enable advantageous marketing of commodities, somebody is going to get caught short and be exploited. That has no place in our system of economics, and our system of marketing in this country.

No industry as big in the United States has had to depend on such inadequate government statistics as has the livestock industry. I am pleased this vital sampling program can be initiated this fiscal year.

So, I am happy that the alteration was made. I do hope that it will be sustained through the final stages of the legislation.

I am also pleased that the committee recommended the full budget amount of $140,000 for probability surveys of farm grain stocks, $374,000 for research to improve agricultural statistics, and $320,600 to reinstate a number of crop and livestock estimates that had been proposed to be discontinued in the budget. Many of these reports are of vital concern to the farmers and ranchers of the Midwest.

The other item related to livestock is the amount of $500,000 granted by the committee for development funds for the U.S. Animal Research Center at Clay Center, Nebr.

For too long there has been an imbalance between the resources we have invested in crop research against those invested in animal research. Over the past 12 years, the Department of Agriculture has been spending two and three times more dollars each year for crop research than for animal research, although livestock marketing receipts are about 57 percent of total farm cash receipts. It was high time to bring about a better balance in the research budgets between the two segments of our farm economy, recognizing their relative importance in dollar terms.

Mr. President, I express my congratulations to the chairman of the committee for another job well done, and I hope as we proceed to the consideration and approval of the bill that we will listen well to his wise counsel because every one of the decisions made in the final text of the pending bill is the result of his careful examination and experienced judgment.

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

Mr. HRUSKA. I am happy to yield.

Mr. HOLLAND. Mr. President, I am glad for another reason that the Senator has brought the point out, because it not only points out that the livestock industry amounts to something like 58 percent, as I believe the Senator stated, of the total marketings of all agricultural products of the Nation, but also when we add to that the other non-price-supported commodities, most of them being highly perishable, such as poultry, fruit, and vegetables, we get up to somewhere between 70 and 75 percent, as I recall, of the total agricultural production of the Nation that is not under any price support program. We must look to the initiative of the producers and to such Government assistance as can properly be rendered through research and in providing statistics relating to the commodity and things of that kind, which are about all that Government can do.

I think it is good for the public to know that with all of the talk about price supports, the fact is that by far the largest part of our agricultural production gets no price support whatever and wants none.

Mr. HRUSKA. That is correct. This production is out in the competitive market, and it should have all of the implements and tools it can get to make sure that the marketing systems are operating fairly and to the advantage of the producers, marketers, distributors, processors, and also the consumer.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an analysis by value and percentage of all farm marketings and subdivisions thereof.

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

(See exhibit 3.)

Mr. HRUSKA. Mr. President, in conclusion, I again congratulate the committee chairman and also the staff for their very loyal and very fine work on the pending bill.

EXHIBIT 1.—BUDGET OUTLAYS—FISCAL YEARS 1968, AND ESTIMATED 1969 AND 1970

[In millions]

	1968	1969 estimate	1970 estimate
Programs which clearly provide benefits to consumers, businessmen, and the general public:			
Programs having foreign relations and defense aspects:			
Sales of agricultural commodities for foreign currencies and for dollars on credit terms (title 1, Public Law 480)	$860	$661	$560
Commodities and other costs in connection with donations abroad (title II, Public Law 480)	334	376	365
Transfer of bartered materials to supplemental stockpile (net)	24	−2	−3
Donations of dairy products to armed services and others	15	17	20
Other		1	
Total	1,243	1,053	942
Food distribution programs (domestic):			
Commodities distributed to the needy and others	394	592	717
Food stamp program	185	273	338
Child nutrition programs	217	246	368
Special milk program	104	104	15
Total	900	1,215	1,438
REA and FHA repayable loans:			
REA loans	495	528	555
Repayments of principal and interest	−304	−296	−306
FHA loans	104	−191	−274
Salaries and expenses for loan programs	77	80	106
Total	372	121	81
Long-range programs for the improvement of agricultural and natural resources:			
Forestry	188	189	162
Agricultural and forestry research	270	264	264
Plant and animal disease and pest control	84	88	89
Soil and water resource protection and development:			
Agricultural conservation program	252	249	242
All other	276	307	303
Cooperative agricultural extension work	90	97	101
Inspection of commodities and other marketing services	92	121	144
All other	90	94	119
Total	1,342	1,409	1,424
Total	3,857	3,798	3,885
Other programs which are predominantly for stabilization of farm income, but which also benefit others: CCC price-supported and related programs:			
CCC loan, purchase, export, and related programs	473	511	−361
Storage, handling, and transportation expenses	92	140	151
Interest expense (net)	311	299	290
Acreage diversion payments:			
Feed grains	510	595	632
Wheat		35	80
Cotton	244	103	31
Price-support payments:			
Feed grains	322	628	710
Cotton	611	642	799
Wheat certificate program	342	361	348
National Wool Act program	70	62	56
Total	2,975	3,376	2,736
Cropland adjustment program—adjustment payments	79	77	78
Conservation reserve program	122	109	40
Federal crop insurance program (net)	15	1	
Sugar act program	84	96	96
Salaries and expenses for above programs	176	193	189
Total	3,451	3,852	3,139
Grand total	7,308	7,650	7,024

EXHIBIT 2

[Report on Pesticides and Their Effects on Man, Agriculture, and the Environment]

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
Washington, D.C., June 4, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies Committee on Appropriations, U.S. Senate.

DEAR SENATOR HOLLAND: During the past few weeks a great deal of interest has been expressed regarding the pending publication of a National Academy of Sciences-National Research Council report on persistent pesticides and their effects on man, agriculture, and the environment. The Department has just received the first few copies of this report and I am enclosing one for your reference. Additional copies are being printed and I will see that each member of your subcommittee receives one.

Sincerely yours,

R. J. ANDERSON,
Associate Administrator.

CONCLUSIONS AND RECOMMENDATIONS FROM NAS–NRC REPORT ON PERSISTENT PESTICIDES

CONCLUSIONS

1. Persistent pesticides are contributing to the health, food supply, and comfort of mankind, but, in the absence of adequate information on their behavior in nature, prudence dictates that such long-lived chemicals should not be needlessly released into the biosphere.

2. Although persistent pesticides have been replaced in some uses and are replaceable in others, they are at present essential in certain situations.

3. No decrease in the use of pesticides is expected in the foreseeable future. On a world basis, increased use is probable.

4. Although the use of DDT has decreased substantially, there was no important change in the use of other organochlorine insecticides in the United States during the 10-year period ending June 30, 1967.

5. Available evidence does not indicate that present levels of pesticide residues in man's food and environment produce an adverse effect on his health.

6. Registration requirements for persistent pesticides appear to provide adequate safeguards for human health, but continuing attention must be given to accommodating new knowledge and insuring against subtle long-term effects.

7. Residues of certain persistent pesticides in the environment have an adverse effect on some species of wild animals and threaten the existence of others.

8. The availability and low cost of effective persistent pesticides have slowed the development and adoption of alternative methods of control.

9. Work on nonchemical methods as alternatives to persistent pesticides has been emphasized in recent years, and continued support for this work is needed.

10. Inadequate attention and support are being given to developing pesticidal chemicals and to improving techinques for using them.

11. Persistent pesticides are of special concern when their residues possess—in addition to persistence—toxicity, mobility in the environment, and a tendency for storage in the biota.

12. A few organochlorine insecticides and their metabolites have become widely distributed in the biosphere, appearing in the biota at points far from their places of application.

13. The biosphere has a large capacity for storage of persistent pesticides in the soil, water, air, and biota, but little is known concerning amounts of persistent pesticides and of their degradation products that are stored in the biosphere.

14. Knowledge is incomplete concerning the fate and degradation of persistent pesticides in the environment, their behavior in the environment, the toxicity of the degradation products, and the interaction of these products with other chemicals.

15. Present methods of regulating the marketing and use of persistent pesticides appear to accomplish the objectives of providing the user with a properly labeled product and holding the amounts of residue in man and his food at a low level. However, they do not appear to insure the prevention of environmental contamination.

16. Public demand for attractiveness in fruit and vegetables, and statutory limits on the presence of insect parts in processed foods, have invited excessive use of pesticides.

17. The National Pesticide Monitoring Program provides adequate information about residues in man and his food, but it does not provide adequate information about the environment generally, because it can detect changes in residues only in selected parts of the biosphere.

18. Contamination of the biosphere resulting from the use of persistent pesticides is an international problem. Changes in techniques for using these pesticides and the substitution of alternatives here and abroad are questions of immediate concern to all mankind.

RECOMMENDATIONS

The Committee recommends—

1. That further and more effective steps be taken to reduce the needless or inadvertent release of persistent pesticides into the environment.

2. That, in the public interest, action be increased at international, national, and local levels to minimize environmental contamination where the use of persistent pesticides remains advisable.

3. That studies of the possible long-term effects of low levels of persistent pesticides on man and other mammals be intensified.

4. That efforts to assess the behavior of persistent pesticides and their ecological implications in the environment be expanded and intensified.

5. That public funds for research on chem-

ical methods of pest control be increased without sacrifice of effort on nonchemical methods.

6. That the present system of regulation, inspection, and monitoring to protect man and his food supply from pesticide contamination be continued.

7. That the objectives and procedures of the National Pesticide Monitoring Program be reviewed and that the feasibility of obtaining data on quantities of persistent pesticides in the biosphere be studied.

EXHIBIT 3.—U.S. CASH RECEIPTS FROM FARM MARKETINGS

[Dollar amounts in millions]

	1967	1968
All farm markets, both crops and livestock	$42,788	$44,065
Livestock and products, all	$24,405	$25,641
Percent of total	57.0	58.2
Meat animals only	$14,630	$15,499
Percent of total	34.1	35.2
Cattle and calves only	$10,551	$11,366
Percent of total	24.6	35.8
Hogs	$3,780	$3,830
Sheep and lambs	299	303
Dairy products, all	5,770	5,981
Poultry products and eggs, all	3,640	3,828
Miscellaneous livestock products	365	333
Crops, all	18,383	18,424
Food grains, all	2,531	2,362
Wheat	2,066	1,823
Feed crops, all	4,306	4,027
Corn	2,652	2,447
Sorghum grain	612	577
Hay	578	552
Barley	284	266
Oats	180	185
Cotton (including both lint and seed)	1,107	1,359
Tobacco	1,392	1,182
Oil crops, all	2,773	2,666
Soybeans only	2,432	2,289
Vegetables, all	2,634	2,784
Fruits and nuts, all	1,747	2,053
All other (includes sugar)	1,893	1,991

Mr. HOLLAND. Mr. President, I again thank my distinguished friend, the Senator from Nebraska.

It is proper at this time, since we have had several requests for the postponement of consideration this afternoon of specific amendments, that we go through the pending bill amendment by amendment, except as to the ones where we have been requested to postpone action and approve the unobjected-to amendments today so that when we take up these relatively few objected-to amendments on next Monday, we will be confined to them.

The PRESIDING OFFICER. The clerk will state the first amendment.

The first amendment was, on page 3, at the beginning of line 4, insert *"Provided, further,* That the limitations on construction contained in this Act shall not apply to a total of $350,000 for construction of a new animal disease and parasite research facility, at Beltsville, Maryland:".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLAND. Mr. President, I move that we reconsider the action by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the second committee amendment.

The next amendments were, on page 3, at the beginning of line 15, strike out "$130,182,000" and insert "$134,452,000"; and, in line 19, after the word "which", strike out "$710,000" and insert "$2,306,000".

The amendments were agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendments.

The next committee amendments were, on page 4, line 11, after "(21 U.S.C. 114b-c)", strike out "$89,493,000" and insert "$92,126,500"; and, in line 19, after the word "exceed", strike out "$1,000,000" and insert "$2,000,000".

Mr. JAVITS. Mr. President, I think we might be able to get rid of the $2 million item if I explain very briefly the story to the Senator.

Apparently the $2 million was supposed to be provided for an animal quarantine station at Fort Tilden. There is some question as to whether the land will be used entirely as a park or a part of it will be used for this quarantine station.

I am told that the committee understands the action and will take account of it in conference or thereafter and that really the matter is up in the air as between two Government departments as to how it is to be determined.

If the Senator would rather pass over the matter, I will try to nail it down between today and next Monday. That would be fine with me. However, I wanted the Senator to be acquainted with the problem.

Mr. HOLLAND. Mr. President, I am simply trying to carry out my statement to the distinguished Senator that I would pass over the two amendments on page 4, lines 11, and 19.

I state now for the RECORD that this item is for the construction of a proposed animal quarantine station at Old Fort Tilden in New York. The construction of a new facility has been in the planning stage for several years and the city of Clifton, N.J., which had the old station has made and is proceeding with plans for the construction of various public buildings in the area being vacated by the old and dilapidated quarantine station.

Everything has been done, I think, including the passage over 4 years ago in Congress of the authorizing legislation.

I would hope that this facility would be allowed to move ahead because it is very badly needed. The old station is not only in great disrepair, but it is also very obnoxious to the citizens of Clifton, as I am told, to have it continue to function there, since they have completed the plans and the financing and all other arrangements for the construction of their new civic center there.

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

Mr. HOLLAND. I yield.

Mr. HRUSKA. Mr. President, to supplement this—and I know that the Senator will take the matter into consideration and see that it is fully understood—there was a public law passed in 1964 authorizing the sale of the area presently used for this laboratory in the city of Clifton. That sale was authorized and a sale contract was executed on December 16, 1966, with $100,000 being paid down by the city. The balance of $426,000 was to be paid in fiscal year 1970 under the terms of the contract. The project has been duly authorized, planned, and designed and the progress must go ahead at this time.

So, had timely objection been raised, perhaps the matter could have been better disposed of. However, at this late hour it is very difficult, it seems to me, to back up, because the U.S. Government has disposed of its present location and needs another location.

Mr. JAVITS. Mr. President, I did not mean to detain the Senate. I thought that the Senator was apprised of the fact that another department of the Government is now proposing to put a park in the site. However, I think under the circumstances, now that I know the intention of the Committee on Appropriations that there shall be this construction on the site, I suggest we pass the matter over.

Mr. HRUSKA. We were aware of that fact. However, the laboratory takes only a part of the area involved and in such a way that it would not be inconsistent with the development of a park tract. I do believe that the Senator upon consideration and full information will see that there is no conflict.

Mr. JAVITS. Mr. President, I have no desire whatever to do anything except what will facilitate the proper course of action, but I would appreciate it, now that I understand the situation, if these two amendments were passed over.

Mr. HOLLAND. I am very glad to do that, with this understanding. The whole Fort Tilden Reservation contains 311 acres. The area sought to be taken for an animal quarantine laboratory is only 27 acres. This leaves the largest part of the tract available for the use which the Senator from New York has mentioned; that is, for use as a public park. While I have no information about negotiations between the Department of the Interior and the Department of Defense, I am told that there is great interest in setting up a park there and that that could be done under this program without any question whatsoever.

Mr. JAVITS. Let me examine into this in the next day or two. In the meantime, I ask that the amendments be passed over.

Mr. HOLLAND. I ask that that be done.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated July 1, 1969, from Mr. Ned D. Bayley, of the Department of Agriculture, to Mr. Raymond L. Schafer, the head of our staff.

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

JULY 1, 1969.

MR. RAYMOND L. SCHAFER,
Professional Staff Member,
Appropriations Committee,
U.S. Senate.

DEAR MR. SCHAFER: The information you requested on status proposed animal quarantine station relocation site, Fort Tilden, New York, is as follows:

1. *Status of Land Transfer to Agriculture from Defense.*

Defense has excessed approximately 27 acres of land to GSA for transfer to Agriculture.

GSA now making appraisal property, which is last step before processing through Central Office, GSA, and Budget Bureau to complete transfer. Fort Tilden site was selected after detailed review of several possible locations.

2. *Status of Building Design.*

All criteria for new facility completed. Architectural design not yet started; being held pending Congressional authorization to construct. Approximately 40 weeks would be required to complete design and advertise.

3. Agriculture wants to cooperate with Interior in fully utilizing the entire Fort Tilden reservation. We are of the opinion that our animal quarantine operation would be compatible with other use. The Department of Interior does not concur in this opinion.

4. The Department of Interior would like to use the entire area as a recreation center and related supporting facilities.

5. If Agriculture not permitted to utilize Fort Tilden site, it will be necessary to again make survey for suitable site, which would delay construction of the new facility a minimum of two years.

NED D. BAYLEY.

Mr. HOLLAND. Mr. President, I also ask unanimous consent that the justification of this item, appearing on page 24 of the Department's justification, be printed in the RECORD.

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

(f) An increase of $2,000,000 for construction of animal quarantine facilities

Federal laws and regulations require the quarantine of all imported wild and domestic animals, including poultry, upon arrival in this country. Public Law 88–592, approved September 12, 1964, authorizes the sale of the Department's animal quarantine facility at Clifton, New Jersey, to the city of Clifton for public purposes and the establishment of a new quarantine station in the New York-New Jersey port and airport area.

The new quarantine station should be located where most imports arrive. About 85 percent of the animals and birds arrive by air. Several sites for the new station in the New York-New Jersey port and airport area were investigated, including Federal lands. The Department considers Ft. Tilden, New York to be the best location. On August 3, 1967, the House Armed Services Subcommittee on Real Estate approved a request from the Department of Army to release approximately 30 of the 310 acres of land in Fort Tilden for transfer to the Department of Agriculture. As required by P.L. 88–592, the Secretary of Agriculture advised the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture and Forestry of the Senate in a letter dated August 12, 1968, of the facts concerning the proposed site.

The Act provides that the city of Clifton pay to the Department the appraised value of the present property and provides for it not being vacated and surrendered until the new station is ready for operation and the present quarantine functions moved to the new station. The property was appraised at $526,600 and a sales contract executed on December 16, 1966. During fiscal year 1969 approximately $100,000 is available for the development of design and construction plans. The balance ($426,600) is expected to be paid to the Department in fiscal year 1970 which will be used with this proposed increase of $2,000,000 for construction costs of the new animal quarantine facilities.

The proposed increase is required for the construction of new facilities at least equal in capacity to those now existing at the Clifton station. The facilities would include 16 structures consisting of 128 quarantine stalls for animals and birds, and 6 service buildings as follows:

	Square feet
Laboratory-office building	4,000
Receiving center	7,000
Cleaning and disinfecting facility	300
Release building	250
Feed and storage building	750
Equipment shed	2,500
Total square feet	14,800

The new quarantine station would include incineration equipment for safe disposition of animals and birds that die or must be destroyed while in quarantine and the disposition of manure and other potentially dangerous wastes. It would also include a pre-quarantine receiving and inspection area with dipping vat and spraying equipment for treatments against exotic external parasites.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was on page 6, line 4, after "(7 U.S.C. 1704(b) (1), (3))", strike out "$4,500,000" and insert "$5,500,000".

THE PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 6, line 21, after the word "including", strike out "$53,854,000" and insert "$55,189,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 7, line 3, after "(16 U.S.C. 582a–582a–7)," strike out "$2,000,000" and insert "$2,150,000";.

The amendment was agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 7, after the word "research", strike out the semicolon and "$1,000,000 for grants for facilities under the Act approved July 22, 1963 (7 U.S.C. 390–390k)".

The amendment was agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 11, after the word "and", strike out "$376,000" and insert "$426,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 17, after the word "all", strike out "$61,175,000" and insert "61,710,000".

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 7, line 25, after the word "Act", strike out "$82,006,000" and insert "$83,621,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, at the beginning of line 8, strike out $375,000" and insert "$500,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, line 8, after the word "all", strike out "$112,391,000" and insert "$114,131,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, line 18, after the word "employees", strike out "$10,000,000" and insert "$10,240,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 9, line 5, after the word "possessions", strike out "$3,338,000" and insert "$3,838,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 9, line 12, after "(7 U.S.C. 1621–1627)", strike out "$1,500,000" and insert "$1,635,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 11, line 21, after the word "expended", strike out "$6,209,000" and insert "$5,000,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 12, line 13, after the word "expended", strike out "$57,873,000" and insert "$63,873,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 21, after the word "That", strike out "$3,000,000" and insert "$5,000,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 14, at the beginning of line 8, strike out "$7,452,000" and insert "$10,252,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 12, after the word "That", strike out "$1,500,000" and insert "$3,300,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 15, line 18, after the word "products", strike out "$13,450,000" and insert "$13,562,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 16, line 18, after the word "laws", strike out "$14,950,000" and insert "$16,375,600".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 17, at the beginning of line 17, strike out "$130,867,000" and insert "$134,695,500".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 19, line 7, strike out "$340,000,000" and insert "$750,000,000".

Mr. JAVITS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Will the bill remain open to amendment as to the figures set forth on page 18 from line 7 to line 24, inclusive?

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

Mr. JAVITS. I yield.

Mr. HOLLAND. After the committee amendments have been disposed of, my understanding is that independent amendments may be offered.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). All parts of the bill except those amendments that are agreed to will be open to amendment.

Mr. JAVITS. I thank the Chair. The only reason I raised the question is that provisos are printed in italic. I understand that they are not amendments. I wanted to be certain.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I would greatly appreciate it if the Senator would pass over the consideration of the amendment on page 19, line 7; the amendment on page 19, lines 8 to 12, inclusive; the amendment on page 20, lines 17 to 20, inclusive; the amendment on page 20, line 20, and on page 21, line 2, inclusive.

Mr. HOLLAND. I shall be glad to pass over any amendment the Senator wishes to have passed over. I call his attention to the fact that as to the first amendment he mentioned, we have placed in the bill the largest amount——

Mr. JAVITS. I agree with the Senator. I will ask that that amendment not be passed over.

Mr. HOLLAND. That is not to be passed over.

Mr. JAVITS. Unless some other Senator desires that it be passed over.

The amendment on page 19, line 7, to strike "$340,000,000" and insert "$750,000,000" was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. I understand that the distinguished Senator from New York has asked that the next amendment, covering the special milk program, from line 8 to 12, inclusive, on page 19, be passed over.

I am glad to follow that course.

I understand also that he has requested that the two amendments appearing at the bottom of page 20, beginning with the word "and (c) milk," and extending through the first two lines in line 21, be passed over. I am glad to follow that course.

The PRESIDING OFFICER. That is the understanding of the Chair, also. Those amendments will be passed over.

The next amendment will be stated.

The next amendment was on page 21, line 13, after "(7 U.S.C. 1766)", strike out "$22,937,000" and insert "$23,937,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 22, line 5, after "(7 U.S.C. 1–17a)", strike out "$2,100,000" and insert "$2,321,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 22, line 20, after the word "Corporation", strike out "$147,420,000" and insert "$146,000,000".

Mr. HOLLAND. Mr. President, the next amendment which starts with the words "*Provided further*" on line 14, page 23, down through line 19 on that page, is an amendment which I have been requested to pass over by the distinguished senior Senator from Delaware (Mr. WILLIAMS), who was detained on other Senate business.

I ask unanimous consent that the amendment to which I have just referred be passed over at this time.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Without objection, the amendment will be passed over.

The next amendment was on page 23, the beginning of line 23, strike out "$89,500,000" and insert "$93,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the able was agreed to.

The next amendment was, on page 25, line 7, after the word "to", strike out "$195,500,000" and insert "$185,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 27, line 4, after "(7 U.S.C. 1838)", strike out "$78,000,000" and insert "$78,600,000"; and, in line 5, after the amendment just above stated, strike out "*Provided*, That no additional agreements are authorized for fiscal year 1970" and insert "*Provided*, That agreements entered into during the fiscal year 1970 shall not require payments during the calendar year 1970 exceeding $99,300,000".

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 27, at the beginning of line 16, strike out "$37,500,000" and insert "$37,250,000".

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 2, after "5 U.S.C. 3109", strike out "$13,389,000" and insert "$13,925,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 9, after "5 U.S.C. 3109", strike out "$3,200,000" and insert "$3,509,300".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 14, after the word "service", strike out "$5,000,000" and insert "$5,459,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 30, line 18, after the word "Library", strike out "$3,200,000" and insert "$3,226,750".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 31, line 6, after the word "Agriculture", strike out "$3,000,000" and insert "$3,050,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 32, at the beginning of line 16, strike out "$320,000,000" and insert "$340,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 33, line 9, after the word "loans", strike out "$83,000,000" and insert $69,600,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 4, after "(7 U.S.C. 1926)", strike out "$40,000,000" and insert "$46,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 10, after "(42 U.S.C. 1486)", strike out "$1,250,000" and insert "$3,700,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the ment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 14, after "(42 U.S.C. 1490c)", strike out "$1,250,000" and insert "$2,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 19, after the word "advances", strike out "$600,000" and insert "$1,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 35, line 7, after "(40 U.S.C. 461)", strike out "$65,000,000" and insert "$67,500,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 1, after "1968", strike out "$2,698,-217,859" and insert "$2,948,217,859"; and, at the beginning of line 2, strike out "$4,965,934,000" and insert "$5,215,934,-000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 14, after the word "exceed", strike out "$31,500,000" and insert "$32,000,-000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 38, line 17, after the word "Act", strike out "$400,000,000" and insert "$420,-000,000;"; and, in line 20, after the word "Act", strike out "$500,000,000" and insert "$515,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 1, after "(7 U.S.C. 1856)", strike out "$750,000" and insert "$1,250,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 14, after the word "and", strike out "thirty (530)" and insert "sixty-six (566)".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I believe that completes action on the committee amendments, except those we passed over. I thank the Presiding Officer for his patience, and I thank the distinguished Senator from Nebraska for his cooperation.

Mr. MONDALE. Mr. President, on May 7, 1969, I wrote to the Secretary of Agriculture, Clifford M. Hardin, and asked him a series of questions concerning discrimination in the Department of Agriculture and in the administration of its programs. These same questions were also submitted to the Department with a number of other questions by the Select Committee on Nutrition and Human Needs on May 27, 1969; the committee asked the Department to reply by June 18, 1969.

It is now July 1, and neither the committee nor I have received any response from Secretary Hardin or the Department of Agriculture.

Since we are now considering Agricultural appropriations for fiscal 1970, I think it important to raise this matter. Before approving billions of dollars of appropriations, the Senate should address itself to the Department of Agriculture's civil right's record—a rec-

ord which raises serious questions as to whether the Department has complied with title VI of the Civil Rights Act of 1964 and Executive orders aimed at preventing discrimination by Federal agencies and by Government contractors.

The following findings by one official indicate that the Department's performance in enforcing title VI may well be worse than that of any other agency of the Federal Government. After expressing "concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs," this official stated:

Patterns of violations of Title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states. . . . An earlier publication of the Civil Rights Commission, Cycle to Nowhere (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI in regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

This is not a partisan matter. These complaints are contained in a letter from Attorney General John Mitchell to Secretary Hardin, dated April 16, 1969. The Attorney General's letter stems from his responsibilities to coordinate the title VI enforcement programs of all Federal agencies under Executive Order 11247; his criticisms were based on a U.S. Civil Rights Commission study of USDA's implementation of title VI.

The Attorney General also recommended to Secretary Hardin specific proposals in four general areas to improve the civil rights compliance program of the Department of Agriculture. They related to organization of title VI enforcement, functioning of the Equal Opportunity Office, program impact, and racial data collection.

For example, the Attorney General recommended that USDA create a centralized office for civil rights enforcement; that it "adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agriculture assistance"; and that it establish a comprehensive racial data collection system that would provide the facts upon which a meaningful compliance review can be based.

I have no idea whether or not Secretary Hardin intends to carry out any of the Attorney General's recommendations. If he has responded to the Attorney General's April 16 letter, this response should be made public.

Regardless of whether he has answered the Attorney General, I again ask Secretary Hardin to inform me and those of you who share my concern for the full and effective enforcement of title VI of his program for remedying the deficiencies which have existed in the past and continue to exist. Does he intend to adopt the recommendations of the Attorney General or does he have a different plan of action? I think that we are entitled to an answer.

In a letter to Representative EDWARDS of California on May 21, 1969, Secretary Hardin expressed his personal determination to eliminate discrimination and stated that the Department was requesting an additional $250,000 for civil rights enforcement in fiscal 1970. But his letter failed to specify the steps he intended to take to eliminate these discriminatory practices and made no reference to the Attorney General's recommendations.

I am pleased to note that the committee has approved the additional $250,000 for civil rights activities in fiscal 1970. And while I am ready to vote for whatever additional funds the Department needs for such activities, the Secretary has yet to define how he intends to improve the Department's civil rights program. It is clear that present enforcement efforts have been completely inadequate. Unless the Secretary significantly reforms this enforcement program, his good intentions are irrelevant.

This is a very serious matter. At a time when we are faced with grave domestic problems and when too many Americans no longer have faith in the ability of Government to remedy their grievances, it is absolutely essential that the Federal Government eliminate all vestiges of discrimination—whether in the implementation of its programs or in its dealings with private contractors.

I therefore urge Secretary Hardin to tell us specifically what steps he intends to take to improve the dismal civil rights record of his Department. He should do so before we act to appropriate funds for USDA programs. We should be confident that the Department is implementing procedures to insure that these funds will not be used in a discriminatory manner and in violation of the law.

Mr. President, I ask unanimous consent that a letter written by Attorney General Mitchell to Secretary Hardin and the questions which I submitted to Secretary Hardin on May 7, 1969, be inserted in the record at this point:

For those interested in examining the report of the Civil Rights Commission on USDA's enforcement of title VI, it is reprinted in the RECORD of May 22, 1969, beginning on page 13456.

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

APRIL 16, 1969.

The Honorable CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C. 20250

DEAR SECRETARY HARDIN: By letter of October 8, 1968, the United States Commission on Civil Rights forwarded to your Department its report on a study of the Department of Agriculture's implementation of Title VI of the Civil Rights Act of 1964 which prohibits discrimination in Federally assisted programs. In connection with our responsibilities under Executive Order 11247 (1965), assigned the Attorney General the function of coordinating the Title VI enforcement programs, of all Federal agencies, we received and have reviewed the report of the Commission based on that study.

Before commenting upon the specific recommendations made by the Commission, however, I want to express our concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs.

The underlying objective of Title VI is to assure that all persons are given a fair and equal opportunity to participate in, and receive the benefits from Federally aided programs. Viewed in terms of the programs receiving assistance from the Department of Agriculture, this objective coincides with the priorities which we understand you have established for your Department that are directed at alleviating hunger and malnutrition among the rural poor and other deprived members of our society.

Title VI took effect on July 2, 1964. Since that time, as pointed out in your predecessor's letter of January 17, 1969, to Mr. Glickstein, the Department of Agriculture had made some progress in eliminating discrimination in programs receiving financial assistance from the Department. Yet patterns of violations of title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states (see Report p. 37). An earlier publication of the Commission, Cycle to Nowhere (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI with regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

In my view it is imperative that your Department develop and implement an effective program to assure compliance with the requirements of law that Federally assisted programs be conducted on a basis which provides for equal opportunity to all; and that it commit its time and adequate resources to accomplish that end.

The recommendations for substantial change which I set forth below reflect our concern over the lack of adequate progress to date.

1. *Organization of Title VI Enforcement.* Our experience with the Title VI compliance operations of other Federal agencies tends to support the view of the Civil Rights Commission that the present office for Civil Rights in the Department of Agriculture be replaced by a centralized Equal Opportunity Office, directly responsible to the Secretary, with authority like that of the Office of Civil Rights at HEW (see 32 Fed. Reg. 15190) and the Assistant Secretary for Equal Opportunity at HUD. The new organization would have responsibility for implementation and enforcement of Title VI, including the authority to initiate all compliance reviews and complaint investigations, and to secure compliance where the reviews indicate lack of compliance. It would also be given authority to conduct negotiations; make settlements; initiate compliance proceedings; refer cases to the Department of Justice for suit where necessary; and work with constituent program agencies at Agriculture in translating equal opportunity requirements into program delivery terms. The director of this Office would need direct and continuing contact with and support from the Secretary, as well as authority commensurate with these responsibilities vis a vis the program administrators. In addition to a substantial staff which should be assigned directly to the new Office, it may be desirable to assign one or more full-time equal opportunity personnel to each of the major Agriculture programs affected by Title VI (FES; C and MS; FHA; and ASCS).

We would also agree with the desirability of combining in this Office all equal opportunity responsibilities, including those derived from Departmental regulations, from Executive Order 11246 with respect to contract compliance, and those concerning the programs directly administered by your Department.

2. *Functioning of the Equal Opportunity Office.* The Commission's report highlights several specific areas where improvement in the effectiveness of the equal opportunity office's functioning might be sought. Of particular interest to us among these findings were those related to (a) clearing up long-standing situations of refusals to file adequate assurances, including the refusals of the State of Louisiana to submit an acceptable plan for its extension service (see page 16 of the Report); (b) increasing the use made by the equal opportunity office of complaint investigations and compliance reviews conducted by the Office of Inspection General, particularly their three-phased audit of the overall civil rights enforcement operation, and their special audit of the activities of six of the State Cooperation Extension Services (see pages 19 and 34–37); and (c) providing a more uniform and comprehensive compliance review procedure for all program areas, supervised by the equal opportunity office (see pages 26–33.)

3. *Program Impact.* The strengthening of the equal opportunity office would be the necessary first step towards improving the Title VI compliance capability of the Department of Agriculture. In addition, we think it important that your Department adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agriculture assistance. Assigning full-time equal opportunity personnel so that continuing day to day liaison with program personnel can be maintained, and organizing a training program specifically designed to relate to the types of assistance provided by your Department, are two methods mentioned in the Commission's Report for moving towards this objective which we support.

4. *Racial Data Collection.* We agree with the Commission that there is a need for establishing a comprehensive racial data collection system that would provide a meaningful factual foundation upon which follow-up efforts aimed at improving minority group participation can be based. We believe this to be an essential part of any effort aimed at making the equal opportunity requirements of Title VI meaningful in program terms.

Although a Committee of Program Review and evaluation has been created in your Department, I understand that this Committee has not considered its mandate broad enough to implement a uniform agency-wide policy for data collection and evaluation in terms of minority group participation. The providing of such authority, either as part of the function of a reconstructed equal opportunity office, or as a responsibility to be shared between that office and the regular program, planning and budgeting staff, would be one available method for initiating the data collection and evaluation function at your Department.

I hope that these comments, in conjunction with the more detailed findings and recommendations of the Commission's Report will be of some assistance to you.

If you feel that it would be useful, the Attorney General's Special Assistant for Title VI would be available at your convenience to discuss the Commission's Report and our comments with your representative, and perhaps also a representative from the Civil Rights Commission.

I will be looking forward to your response.

Sincerely,

JOHN MITCHELL,
Attorney General.

QUESTIONS SUBMITTED TO SECRETARY HARDIN ON MAY 7, 1969

1. As Attorney General Mitchell observed in a letter to you on April 16, 1969, which he based on a July, 1968 report from the U.S. Civil Rights Commission titled *The Mechanism for Implementing and Enforcing Title VI of the Civil Rights Act of 1964*, "meaningful enforcement of Title VI (by USDA) in regard to the Cooperative Extension Service and other programs of your department could contribute to your effort to alleviate hunger and rural poverty."

The Attorney General also expressed to you his concern as to the adequacy and effectiveness of the Department's civil rights enforcement program.

What are your plans for assuring non-discrimination under Title VI in the Department's Extension Services, where the Department itself has documented such discriminatory practices as assigning extension workers on the basis of race? (Since there are far fewer Negro extension agents, this practice means that Negro farmers do not receive a fair and adequate share of the services provided.)

What action will be taken to upgrade the civil service ratings of Negro Extension Agents who, with more education than some of their white counterparts, presently hold lower GS ratings than some white extension agents?

2. Who in the Department has direct charge of negotiating civil rights compliance plans for the State Extension Services?

3. It is my understanding that under consideration in the Department is the transfer of Title VI enforcement in the Extension Service to HEW. Is such a plan under consideration, and if so, would you submit a copy of the plan to the Committee?

4. Attorney General Mitchell's letter of April 16 endorses the Civil Rights Commission recommendation that USDA's present office of civil rights compliance, now headed by an assistant to the Secretary, be replaced by a centralized equal opportunity office, directly responsible to the Secretary, similar to that in operation at HEW. Do you plan to implement this recommendation by the Civil Rights Commission?

5. It is my understanding that new members to State ASCS Committees have been named in several States. Please submit a list of those named since January 20, and their race.

6. On page 4 of the July U.S. Civil Rights Commission Report are listed various audits by the USDA Inspector General bearing directly on civil rights compliance by the agencies directly responsible for nutrition and nutrition education, the Consumer and Marketing Service and the Federal Extension and State Extension Services, and other USDA agencies. I ask you to make these reports available to the Committee. They are:

USDA–OIG Audit of Civil Rights Activities in the Federal Extension Service, 6041–6-h; Forest Service, 6041–7-h; Agricultural Stabilization and Conservation Service, 6041–4-h; Consumer and Marketing Service, 60415–H; and six Cooperative State Extension Services (6065–17T; 6065–17-A; 6065–1-T; 6065–1-A; 6065–26-T; and 6065–20-W).

7. From the inception of its loan program for rural outdoor recreational facilities, through May 1968, the Farmers Home Administration, USDA, made loans to racially segregated golf and country clubs. In May 1968, the Attorney General ruled that such loans were subject to Title VI of the Civil Rights Act. Will this rule be applied retroactively to FHA loans made to segregated clubs before the May 1968 ruling?

SUBSIDY PAYMENTS

Mr. FANNIN. Mr. President, the American system of government created by our Constitution embodies many significant departures from the habits and customs of Europe and the Old World.

In the first 150 years of the life of the Republic the contrast between our system and the old system was particularly noticeable in the area of the relationship established between the economic community and the governmental institutions. We avoided Government-approved or Government-sponsored business cartels. With few exceptions the business community operated and prospered without assistance or subsidy from the Government.

During that period in the 19th century when the Nation was expanding westward the Government did make available certain land areas to the railroad builders and free public land to the homesteaders. And some observers of our history have severely criticized both of these intrusions by Government into the private economic sector, as examples of unwarranted favoritism.

We all remember that in the initial phase of the development of an air transport system the airlines were subsidized through contracts to carry the Government mail. The major air carriers have now outgrown the need for this help. We know that the shipbuliding industry is continuing to receive governmental assistance, that industries expanding to meet national defense needs are given an advantage over those plants and factories devoted entirely to producing for the civilian markets.

Commencing in the early 1930's the Federal Government embarked on a policy of subsidies purportedly designed to preserve the economic position and the independence of the American farmer.

Billions of dollars of public money have been employed in this century in an effort by Government to support particular sections of the economy. These pro-

grams have not been notably successful. The taxpayer resents paying subsidies—and the recipient resents the governmental restrictions and controls that invariably accompany governmental subsidies.

Responsible representatives of the agricultural section are convinced that the present program is wasteful, that it has on balance been a failure, and that American agriculture today should be returned to a free market.

I agree with that conclusion, but I must emphasize that for almost 40 years we have used the power of Government regulation and Government subsidy to inhibit the American farmer.

It has taken us 40 years to arrive at the situation which now confronts us, and in returning the farmer to the free market we must proceed with caution. To end the farm subsidy program tomorrow, or next year, would create chaos, and would inflict grave injury on American agriculture. But our first step must be to declare unequivocally that it is our aspiration and our intention to move gradually over a specified number of years to eliminate the inhibiting controls, end the subsidies, and to reestablish the American farmer as an independent member of the free market, free enterprise system.

We all have nostalgic memories of the family farm. Thirty-five years ago there were 32 million Americans, 25 percent of our population, living on farms. They were having a difficult time to make ends meet. The technological developments were threatening to overwhelm them, so the Government commenced its program of subsidy—to make it possible for the family farmer to survive as a viable economic unit.

Today there are only about 10 million of our people living on farms. This amounts to 5 percent of our present population.

Farms have become mechanized. Farming has become a scientific, single product operation, and no longer does the subsistence aspect attract the farmer. The family cow and the family pigs and the family garden have all given way to the industrialized farm supervised by graduates in agriculture and horticulture and supported by scientists and the new fertilizers and the new seeds.

As the result of these improvements, the number of individual farms has dropped from 6.6 million to less than 3 million, but our agricultural output has almost doubled, and no nation on earth has a better record for producing the feed and fiber necessary to support its population.

Farm employment has declined from 12 million to under 5 million. Fifteen percent of the Nation's farms today produce 70 percent of the Nation's farm output.

The American farmer is ready to take his place in our highly technological, industrialized economic system. But he is hampered and inhibited by Government controls and seduced by the promises of Government largess. And for all his progress, and all his devotion, and all of the new skills he brings to his appointed task, the farmer today does not enjoy an income comparable to the incomes earned in industry or business or the professions.

Mr. Charles B. Shuman, president of the American Farm Bureau Federation, on April 3, of this year outlined his position on the major provisions of the Agricultural Act of 1965:

> Farm Bureau vigorously opposed the major provisions of the 1965 Act. Our members are even more convinced today that the programs authorized by this Act are not in the long-time best interests of producers, consumers, or taxpayers.
>
> Briefly, our principal reasons for opposing these programs are as follows:
>
> (1) Government supply-management has not worked.
>
> (2) Government-owned stocks are bad for farmers.
>
> (3) The operation of government supply-management programs depends on political decisions.
>
> (4) These programs make farmers dependent on government payments for a substantial part of their net incomes.
>
> (5) Government supply-management programs create pressures for international commodity agreements.

I have consulted with farm leaders here in my own State and in the Nation. I have found general agreement that the bill introduced by Senator EVERETT DIRKSEN is a step in the right direction—a beginning on a slow, carefully thought out program to free the American farmer, to ultimately end the subsidies, and to restore agriculture to a competitive position in the free markets of the world.

The purpose of that bill is clearly spelled out.

First, to increase per family farm income.

Second, to bring the supplies of cotton, wheat and feed grains and soybeans into line with current demands.

Third, to decrease the public costs of maintaining farm programs.

I am supporting this legislation and intend to do whatever is necessary to ultimately end the waste of subsidy, and to strengthen the market for agricultural products so that our farmers can produce the abundance we need and receive a fair return on their labor, their capital, and their skills.

LIMITATION ON AGRICULTURAL PAYMENTS

Mr. INOUYE. Mr. President, I rise today in opposition to the proposal to limit the amount of agricultural payments any one producer can receive. While this amendment does not in its present form apply to sugar, I am certain that should this move be successful, as it has been on the House side, attempts will surely be made to include the sugar under this payments limitation either this year or next year. I do not believe I am exaggerating to say that should such an amendment limiting sugar payments be adopted, it would destroy the sugar industry in my State and have an extremely disastrous effect on Hawaii's economy. The sugar industry is one of the most important income-producing industries in Hawaii.

At the present time, the sugar industry in Hawaii employs approximately 11,300 persons on a year-round basis, with an annual payroll of $71.7 million including the cost of benefits making them the highest paid agricultural workers in the world. I believe these figures alone adequately explain the effects this payments limitation would have on the economy of our small State.

It is expected that the application of such a payments limitation amendment could lead to very desperate times for the industry in Hawaii. Not only would some sugar plantations go out of business, but at the present time, there is no alternative use possible for most of the sugar lands. Only a very small fraction of the land could be used on an income-producing basis.

My opposition to the payments limitation is based on the unique nature of the present sugar program administered by the Federal Government. In 1934, the Congress enacted the Jones-Costigan Sugar Act. The essential features of the sugar program as it exists today are based on the 1934 act. At that time the Congress did not believe that it had the constitutional power to directly regulate the sugar production; however, it was acknowledged that the Congress had the power to tax. Therefore, a plan was devised which would tax the sugar industry for every hundred pounds of sugar produced. The major part of the revenue raised in this manner would then be returned to the producer who complied with the certain regulations such as to limit the crop to a particular quota for an area; employed no child labor; paid a minimum wage established by the Department of Agriculture. Thus, the sugar payments paid to producers are not a subsidy, but rather a refund of the taxes the producer pays, as long as he complies with certain prescribed regulations. Therefore, the sugar program as it was first established was merely a device to regulate the production of sugar since the Congress was in doubt as to its power to limit production. While the doubts as to the constitutionality of regulating agricultural production have been allayed; the form of the sugar program had not changed.

The compliance payments a producer can receive start at $16 a ton and decrease to $6 a ton with an increasing volume of production. Since most of Hawaii's sugar production is grown on large farms, these producers receive less in payments than they pay in taxes. Last year according to figures compiled by the Department of Agriculture Sugar Act payments to producers in the State of Hawaii amounted to $10,861,000, while the excise tax paid by Hawaii farms amounted to $12,321,820. Therefore, Hawaii producers pay more in taxes than they received in compliance payments. Granted the lower payments are basically a result of the large farms in Hawaii. However, the high cost of production and marketing make necessary the economies resulting from large modern farm operations. Hawaii's closest market is 2,400 miles away on the west coast and most of Hawaii's sugar is also refined there. In addition, much of Hawaii's land is mountainous and unsuitable for cultivation. Therefore, a large portion of the land planted in sugarcane must be irrigated—a very costly process. The modern equipment and machinery necessary to keep this product competitive with mainland beet sugar are also extremly expensive, thus

making it most difficult for small farms to survive.

The excise tax collection from sugar producers goes into the general fund of our Treasury and it is interesting to note that since the sugar program began these taxes have exceeded producer payments by $594.9 million. Therefore, I submit that the sugar program is a self-supporting one and clearly distinguished from other agricultural programs currently administered by the Federal Government.

I, therefore, urge that the payments limitation amendment be defeated and at the very least that sugar be excluded from its coverage for the reasons stated above. However, should this amendment be accepted and it include sugar, I intend to call up my amendment to revise the present Sugar Act. This act is a comprehensive scheme of economic regulation. It is a balanced whole. Should a $20,000 payments limitation be voted, the sugar producers would still be required to pay the excise tax. Producers in my State would pay approximately $12 million and receive only $1,639,000 in return. To change the amount of compliance payments while not abolishing the excise taxes would work an undue and unjust hardship on the sugar industry. No other agricultural industry pays such taxes and I believe that no other farm program can claim to be self-supporting. Therefore, I am today submitting such an amendment to remove the excise taxes, if a payment limitation for sugar is enacted. To me, this is the very least that should be done.

In closing, I would like to summarize the reasons for my opposition to the payments limitation. Other States would also be severely hurt economically by a payments limitation. However, I submit that it would be particularly damaging to Hawaii, because of its geographic position and the reliance of our State's whole economy on sugar production. Second, the sugar program as presently devised is a self-supporting program with the payment of excise taxes and the return of a portion of these taxes as compliance payments. These payments are not subsidies, but are payments made to producers for complying with certain regulations.

AGRICULTURAL CONSERVATION PROGRAM

Mr. PERCY. Mr. President, I am in support of the agricultural conservation program for 1970—just as I support the future of America and the wise use of all her resources.

The ACP program performs a valuable function precisely at a time when conservation, pollution, and environmental questions are at a historic high point in terms of public interest and concern. The ACP program gives farmers and ranchers the incentive and the ability to embark on conservation work. We need to do more conservation work on our land and water resources. Proposals earlier this year to cut out all funds for the ACP in fiscal 1970 would have postponed conservation treatment of our land and water. This would have increased the ultimate cost and at the same time added to the costs which the public suffers from sediment and other pollutants resulting from inadequate treatment of the land on farms and ranches.

I am pleased to see that the Senate Agriculture and Forestry Committee has restored the ACP program to the level of $185 million. This is not as high as the $220 million authorization level of the past 14 years, but we must also face up to the fiscal realities of this country and reduce budgets where possible to help curb inflation. But at least the value of this program has been recognized again and its valuable work can be continued.

THE NEED FOR IMPROVEMENTS IN THE HOG CHOLERA ERADICATION PROGRAM

Mr. BAYH. Mr. President, the distinguished Senator from Florida (Mr. HOLLAND), I am sure, has many requests for additional funds. I know that he weighs each one of the measures with great care.

I have corresponded with him on one occasion concerning the need to make improvements in the hog cholera eradication program, improvements designed to assist the average farmer whose herd is condemned in an attempt to prevent spreading.

Mr. President, the Federal Register for May 24, 1969, carried a final notice that effective today, July 1, 1969, the modified live vaccine could no longer be shipped in interstate commerce. The modified live vaccine for many years the most potent weapon in the farmers' fight against hog cholera, was found by Department of Agriculture officials, in a number of cases, to actually be the cause of the dreaded disease.

In an effort to meet the 1972 deadline for the complete elimination of hog cholera, as called for in the Hog Cholera Eradication Act of 1961, the Agricultural Research Service has acted to speed up the four-phase eradication program. The emphasis, in all States, will now be on the immediate and complete depopulation of infected and exposed herds, accompanied by a Federal-State indemnity payment to the owner. The indemnity payment is based on a 50–50 Federal-State cost sharing formula that is designed to compensate the owner for the true value of the animal. The cost sharing responsibilities permit the States to maintain an important regulatory function within the overall cooperative effort.

My interest in this little noticed, but very significant change stems from my own farm background and from the fact that Indiana is one of the leading agricultural States in the Nation. The swine industry contributes over $1 billion annually to Indiana's economy and the present market value of our swine population is upward of $450 million. In addition, Indiana is a large importer of feeder pigs, with approximately 823,000 feeders shipped into the State last year. This particular aspect of our swine industry, not characteristic of other States, poses a number of complications for our eradication program. Despite these difficulties, Indiana, in cooperation with the Agricultural Research Service of the Department of Agriculture, has met its obligations under the eradication program.

The Department of Agriculture's initial proposals to discontinue the use of the vaccine, published in November 1966, and again in April 1969, naturally occasioned a great deal of interest in Indiana. In view of the favorable experiences many Indiana farmers have had with the modified live vaccine over the years, there was legitimate concern about the effect of this changeover, from reliance on the vaccine to depopulation. As many a Hoosier farmer pointed out, even an indemnity payment based on the full market value of the swine could never really replace the slaughtered animal. Furthermore, under proposed changes it is not merely the infected swine that may be slaughtered, but all so-called "exposed" hogs.

In an effort to learn, firsthand, what Hoosier farmers thought about the eradication program and what they thought needed to be done to improve it, I have met and talked with a number of pork producers in Indiana the last few months. As a result of discussions with those most affected by the proposed elimination of the vaccine, in April I wrote to Senator HOLLAND, chairman of the Agricultural Appropriations Subcommittee recommending an additional $750,000 for indemnity payments and a serum stockpile. Further, I proposed a revision in the Federal-State cost-sharing formula, calling for increased Federal payments in the indemnity program. Earlier, at a USDA administrative hearing, I had pointed out that for many classes of breeding swine and purebreds, the indemnification figure was much too low.

Recently, Department of Agriculture officials uncovered isolated cases of cholera in a few herds in Carroll and Cass Counties, Ind. In accordance with the guidelines set out in the eradication program, the complete depopulation of three herds was ordered and 5,800 feeder pigs were slaughtered in an effort to eliminate the disease. This incident has brought into focus some of the problem areas likely to plague farmers whose States are now entering the final phases of the eradication program. I am hopeful that we can make the necessary improvements.

In an attempt to evaluate our recent experiences in Indiana and to determine what needs to be done not merely to meet a 1972 deadline but to insure that the farmer and the consumer is adequately protected, I met with officials of the Agricultural Research Service yesterday. As a result of our rather lengthy discussions, a consensus emerged on the need to strengthen and update the indemnification aspects of the program and to provide stricter administration over interstate shipments so that States that are doing the job are not victimized by other States that are less determined in their efforts to eradicate cholera.

In the area of indemnity payments, it was agreed that an immediate overhaul in the level of payments was necessary. Under present Federal regulations, the Department of Agriculture will not pay more than $50 for a purebred swine. Add to that a State matching payment and the maximum indemnification is $100. Needless to say, in many cases of purebreds, $100 is woefully inadequate. As a result of our discussion yesterday, I be-

lieve a more equitable indemnity formula will be forthcoming, one that would permit the Federal Government to pay up to $100 for a purebred, raising the maximum indemnification total to $200. A similar upward adjustment in the indemnity for commercial sows is also necessary. I am hopeful that the Department will accept our suggestions, based upon information developed by Purdue University animal husbandry experts, to increase the maximum indemnification payment for grade animals to $100. Based upon current market prices, these increases are easily justifiable and are necessary if a relatively few individual farmers are not to bear the full burden of this program.

As I pointed out to Department officials yesterday, most of the cholera cases in Indiana—and to date these have been only 21 in 1969—have been of out-of-State origin. Of the 21 cases, 20 have been imported into the State, resulting in State indemnity payments totaling $288,000. In comparison, one case was of Indiana origin and a $1,000 indemnity payment was made to the owner. In an effort to relieve Indiana and other concerned States that have adequate programs from financial burden imposed by States that do not maintain adequate policing of hog shipments, the Department agreed to try to implement a program in which the Federal Government would bear 100 percent of the indemnity payment in those cases where cholera was contracted during interstate shipment. In addition, they agreed to try to implement my proposal that in cases where shipments into a State are quarantined for 21 days, these shipments are, in effect, still in interstate commerce, the Federal Government will bear 100 percent of the indemnity payment for any cholera cases found in that group within the quarantine period.

A final point raised was the need for the Federal Government to temporarily assume the full burden of the indemnity payment in cases where the State may have exhausted all of its appropriated indemnity funds. The Department representatives stated that this could be done on the basis of the State's willingness to cover its share by future appropriations. The object being, of course, that the farmer receive the full indemnity as soon as possible. This approach has worked in other animal disease control programs involving indemnities. There is no reason to believe it cannot work in the hog cholera eradication program.

Based upon the mutual agreements reached yesterday, I have decided to withhold the introduction of legislation, already drafted, to revise the Federal-State cost-sharing formula. I am convinced that if the Department of Agriculture, acting under its own authority, implements the suggested improvements I have outlined, the eradication program will be strengthened to the point where farmer cooperation will make the 1972 deadline a reality.

As I said before, I do not intend, at this time, to introduce the legislation which I have had prepared for some weeks. Hopefully, we can work with the distinguished Senator from Florida and the Agriculture Appropriations Subcommittee, and with the Department of Agriculture to make these necessary improvements through departmental regulation.

Mr. HOLLAND. Mr. President, I understand that as far as this bill is concerned, we are ready to discontinue action on the bill until next Monday when action will be taken and perhaps roll-call votes called for on some or all of the amendments we passed over.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The following proceedings, which occurred during the consideration of the agriculture appropriation bill, are printed in the RECORD at this point by unanimous consent.)

S. 2524—INTRODUCTION OF A BILL TO PROVIDE FARM SUBSIDIES

Mr. DIRKSEN. Mr. President, my purpose in rising today is to introduce a new farm bill. The distinguished Senator from Florida has already intimated that the Secretary of Agriculture believes that legislation is needed, that other State legislation is needed, and perchance the President and the administration generally feel likewise. I took the liberty this morning, in the course of the White House conference, to acquaint the President with the fact that I proposed to introduce this bill today.

Mr. President, it is obvious to everyone that our present farm program needs to be changed.

Farmers are unhappy with the 1965 Farm Act and want a change after the program expires at the end of 1970. With cotton prices to farmers at only 42 percent of parity, wheat prices at ony 46 percent of parity, grain sorghum prices at 65 percent of parity, and corn prices at only 69 percent of parity—as of the end of May—it is no wonder farmers are unhappy.

It is obvious that taxpayers are also unhappy with the current program for cotton, wheat, and feed grains. When the taxpayer reads about current farm programs costing around $3 billion a year and many farmers receiving in excess of $100,000 in payments and the Congress about to extend the 10-percent surtax for another year, is it any wonder we have a taxpayer revolt on our hands? This is doubly true when farm prices for the commodities covered by these farm programs for cotton, wheat, and feed grains are so low and farmers unhappy with these prices.

The cost of these farm programs has become so excessive that real effort is being made to put a limit on individual payments to farmers. The House just a few days ago, by a vote of 224 to 142, voted to put a limit of $20,000 on payments to farmers under these farm programs. This was done when the House approved the agricultural appropriations bill for fiscal 1970. A year ago the House also approved a limitation on these payments when the 1-year extension of the 1965 act was approved. The limitation of payment came out in a conference with the Senate last year. No one knows what may happen this year.

The point is there is real revolt brewing in both the House and Senate against these big payments going to large farmers and we had better recognize it in this body.

Mr. President, I interpolate here to say that I rather consistently opposed the limitation on payments. I did so because I did not believe that there was any logical ground for doing so. How does one say to one farmer, "You get so much per acre," and say to another farmer, "You get so much per acre," unless one just wants to let them run nilly-willy with their production. Then, of course, the whole objective of the farm program as it is cast today would go down the drain. So, there is no logical basis for it.

More important, this is a reflection of rebellion against the 1965 Farm Act and we had better recognize it in the Congress.

Because of these facts I, along with 18 of my colleagues, am today introducing a new farm bill. This bill is a comprehensive program designed to strengthen marketplace income for farmers, reduce the influence of Government in the management decision of farmers, and provide financial assistance to farmers who need skills training and other forms of assistance in order to develop off-farm income.

For too long the problems of agriculture in the United States have been considered as one big problem. I believe there are two big problems: First, the problem of the commercial farmers; and second, the problem of other farmers. We have been attempting for too many years to apply the same remedy to the ills of both and with very little success.

The bill that I and my cosponsors are introducing today recognizes these differences, and also recognizes that we need to have a transition from the 1965 Act when it expires at the end of 1970.

The principal provisions of this bill are:

First. The 5-year program begins January 1, 1971, and runs through December 31, 1975. It would amend the Food and Agriculture Act of 1965. The program provides for a 5-year transitional period during which acreage controls, base acreages, marketing quotas, processing taxes, and direct payments for wheat, feed grains, and cotton would be phased out.

Second. Limit the total funds that may be spent on all direct payments for wheat, feed grains, and cotton under the Food and Agriculture Act of 1965 to 80 percent of the amount spent on 1969 crops in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

Third. Reduce the cost of wheat certificates to processors to 80 percent of the 1969 level in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

Fourth. Effective with 1975 crops, discontinue all acreage allotments, base acreages, marketing quotas, processing taxes, and direct payments—annual land diversion, compensatory, and certificate—for wheat, feed grains, and cotton.

Fifth. Continue the cropland adjustment provisions of the act of 1965 with amendments: First, to require that programs be operated on a competitive bid basis with emphasis on whole farms; and, second, to direct the Secretary of Agriculture to retire at least 10 million acres per year in 1971, 1972, 1973, 1974, and 1975.

The Secretary would announce in advance the maximum acreage to be contracted for each year. If accepted bids do not exhaust this acreage, higher bidders could be offered the opportunity to negotiate contracts at the accepted bid level.

Provide that loan rates for wheat, feed grains, cotton, and soybeans shall be set at not more than 85 percent of the previous 3-year average price, beginning with the 1971 crop year.

Prohibit the sale of CCC stocks at less than 150 percent of the current loan rate plus carrying charges, except when sales are offset by equivalent purchases in the open market.

In addition to and conditional on the adoption of the second, third, fourth, and fifth items: Authorize the Secretary of Agriculture to offer a special transitional program in 1971, 1972, 1973, 1974, and 1975, which would be open to any farmer who has had average gross annual sales of farm products of not more than $5,000 and off-farm income of not more than $2,000 per year for husband and wife for the immediately preceding 3 years. Such farmers would be eligible to receive one or more of the following:

First. Compensation for acreage allotments and base acreages surrendered to the Secretary for permanent cancellation. This would apply to all commodities having acreage allotments or acreages. Such compensation would be in addition to land retirement payments under the cropland adjustment program and would also be available to eligible farmers who wish to surrender their acreage allotments or base acreages without participating in the cropland adjustment program.

Second. Retraining grants of not to exceed $1,000.

Third. Adjustment assistance of not to exceed $2,500 per year for 2 years.

Fourth. Loans under existing credit programs further to facilitate the transition of eligible farmers to more gainful employment.

Mr. DIRKSEN. Mr. President, I introduce the bill for myself and Senators MATHIAS, PERCY, MILLER, SCOTT, HANSEN, FANNIN, COTTON, WILLIAMS of Delaware, GRIFFIN, RIBICOFF, SAXBE, DOMINICK, MURPHY, BOGGS, BROOKE, CASE, BENNETT, and JORDAN of Idaho, and ask unanimous consent to have it printed in the RECORD following my remarks.

In connection with its introduction, I give special commendation to my friend, the Senator from Maryland (Mr. MATHIAS) who earlier expressed interest in this matter and came to my office to discuss it, even before we got around to the introduction of the bill.

In addition, the Senator from Maryland has called upon a good many other Senators to ascertain whether they would be interested in becoming cosponsors. I apprehend that in the days to follow, other Senators will want to add their names as cosponsors of the bill.

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

The bill (S. 2524) to adjust agricultural production, to provide a transitional program for farmers, and for other purposes, introduced by Mr. DIRKSEN, for himself and other Senators, was received, read twice by its title, referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

S. 2524

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 "Agricultural Adjustment Act of 1969".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress and the purpose of this Act to increase per family farm net income; bring the supplies of cotton, wheat, feed grains, and soybeans into line with current demand; and decrease the public costs of maintaining farm programs. To effectuate this policy, programs are herein established to assist farmers in (1) obtaining a commodity price in the market place higher than levels at which commodity loans are made available by the Commodity Credit Corporation and fair in relation to prices farmers have to pay; (2) carrying out a voluntary program of soil, water, forest, and wildlife conservation; and (3) achieving, with minimum difficulty, the transition and adjustment where necessary to more gainful employment.

TITLE I—EXTENDING AND MODIFYING THE FOOD AND AGRICULTURE ACT OF 1965; PROVIDING PRICE SUPPORT FOR SOYBEANS

SEC. 101. Titles III, IV, and V of the Food and Agriculture Act of 1965 (79 Stat. 1187) are amended by striking out "through 1970" wherever it appears in such titles and inserting in lieu thereof "through 1974".

SEC. 102. Notwithstanding any other provision of law—

(a) That portion of price support which is made available through loans for the 1971 through 1974 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum under programs enacted or extended by the Food and Agriculture Act of 1965 shall not exceed a loan level of 85 per centum of the average price received by farmers for the commodity concerned, excluding payments made by the Secretary for such commodity, during the three complete marketing years immediately preceding the calendar year in which the marketing year for the crop of the commodity concerned begins.

(b) Total price support and diversion payments (not including payments made under sec. 602 of the Food and Agriculture Act of 1965), including payments in kind, made to farmers by the Secretary of Agriculture under the authority of (1) section 16(i) of the Soil Conservation and Domestic Allotment Act, as amended, (2) sections 101(f), 103(d), and 107 of the Agricultural Act of 1949, as amended, and (3) sections 339 and 379c, d, and e of the Agricultural Adjustment Act of 1938, as amended, shall not—

(A) in 1971, exceed 80 per centum of the total of such payments made in 1969;

(B) in 1972, exceed 60 per centum of the total of such payments made in 1969; and

(C) in 1973, exceed 40 per centum of the total of such payments made in 1969; and

(D) in 1974, exceed 20 per centum of the total of such payments made in 1969.

(c) The Commodity Credit Corporation shall sell wheat marketing certificates, provided for under section 379c of the Agricultural Adjustment Act of 1938, as amended, for the marketing years for the 1971 through the 1974 wheat crops to persons engaged in the processing of food products in an amount equivalent to the following—

(1) for the 1971 crop, 80 per centum of the amount for which certificates were sold for the 1969 crop;

(2) for the 1972 crop, 60 per centum of the amount for which certificates were sold for the 1969 crop;

(3) for the 1973 crop, 40 per centum of the amount for which certificates were sold for the 1969 crop; and

(4) for the 1974 crop, 20 per centum of the amount for which certificates were sold for the 1969 crop.

(d) Effective only with respect to the 1971 through 1974 crops of soybeans, price support shall be made available to producers for each crop of soybeans at a level not to exceed 85 per centum of the average price received by farmers during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins.

SEC. 103. Effective with the 1971 crop of cotton, subsection (e) of section 346 of the Agricultural Adjustment Act of 1938, as amended, is amended by changing the second paragraph to read as follows:

"For the 1971 and 1972 crops of cotton, the annual national export market acreage reserve shall be an amount of acreage determined by the Secretary necessary to produce the amount of cotton which he estimates will be exported in the year the cotton is to be marketed."

SEC. 104. Effective with the 1973 crop of cotton, the Agricultural Adjustment Act of 1938, as amended, is amended by (1) repealing section 346, and (2) changing the colon to a period in subsection (c) of section 347 and deleting the proviso.

TITLE II—TERMINATION OF EXISTING COTTON, WHEAT, AND FEED GRAIN PROGRAMS; ESTABLISHMENT OF PRICE SUPPORT PROGRAM FOR COTTON, WHEAT, FEED GRAINS AND SOYBEANS FOR 1975 AND SUBSEQUENT CROPS

SEC. 201. Notwithstanding any other provision of law, effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum—

(1) sections 321 through 350 of parts II, III, and IV of subtitle B and section 379a through 379j of subtitle D of title III of the Agricultural Adjustment Act of 1938, as amended, are repealed, parts V and VI of subtitle B are redesignated as parts II and III, respectively, and subtitle F is redesignated as subtitle D; and

(2) subsection (i) of section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p), as amended, is repealed.

SEC. 202. Effective with the 1975 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 203. Effective with the 1975 crops of wheat, corn, oats, rye, barley, and grain sorghum, section 327 of the Food and Agriculture Act of 1962 (Public Law 87-703) is repealed.

SEC. 204. Effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans, the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), is amended by—

(1) amending section 103 (7 U.S.C. 1441 (d)) to read as follows:

"SEC. 103. Notwithstanding the provisions of section 101 of this Act, price support shall be made available to producers for each crop of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans at a level not to exceed 85 per centum of the average price received by farmers for the commodity, excluding payments made by the Secretary for such commodity, during the three complete marketing years immediately preceding the calendar year in which the marketing year for the crop of the commodity concerned begins."; and

(2) repealing subsection (f) of section 101 (7 U.S.C. 1441(f)), and sections 105 (7 U.S.C. 1441 note), 107 (7 U.S.C. 1445a), and 402 (7 U.S.C. 1422).

TITLE III—RESTRICTIONS ON SALES BY THE COMMODITY CREDIT CORPORATION

SEC. 301. Effective August 1, 1971, section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), is amended by striking out the seventh sentence thereof, and by striking out the last four sentences of such section and inserting in lieu thereof the following: "Notwithstanding any other provision of law the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases, but including sales made in redemption of payment-in-kind obligations of the Commodity Credit Corporation under its programs) of its stocks of cotton, wheat, corn, oats, rye, barley, grain sorghum(or soybeans at less than (1) 150 per centum of the then current loan rate for such commodity, plus reasonable carrying charges, or (2) the market price for such commodity at the time of sale, whichever is higher."

TITLE IV—AN EXPANDED CROPLAND ADJUSTMENT PROGRAM

SEC. 401. Section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1838) is amended—

(1) by striking out "1970" and inserting in lieu thereof "1975" in the first sentence of subsection (a);

(2) by striking out ", unless he determines that such action will be inconsistent with the effective administration of the program," in the first sentence of subsection (d);

(3) by striking out the period at the end of the first sentence of subsection (d) and inserting in lieu thereof the following: "and shall encourage the inclusion of whole farms in such agreements where this will not unduly limit the employment opportunities of farm tenants. The Secretary shall announce in advance the maximum acreage of land to be contracted for each year; and if accepted bids do not achieve this maximum, the Secretary may offer higher bidders the opportunity to negotiate agreements equivalent to the accepted bid level. In determining annual maximum acreages, the Secretary shall formulate a program to obtain the long term retirement of not less than 10 million acres per year for the years 1971 through 1975. The amount of acreage retirement in a community area shall be calculated to not cause such a reduction in crop production as to jeopardize the economic future of the community"; and

(4) by striking out subsection (k).

TITLE V—FARMER ADJUSTMENT AND RETRAINING PROGRAM

SEC. 501. (a) For the purpose of providing a transitional program to assist low-income farmers in making the necessary adjustments to non-agricultural pursuits and to provde opportunities for gainful employment, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1971 through 1975 under which the Secretary may enter into an agreement with any farmer who, during the three-year period immediately preceding the year in which the agreement is entered into—

(1) had average gross annual sales of farm products of not more than $5,000; and

(2) had average annual off-farm income of not more than $2,000 (including income of both husband and wife in the case of a married farmer).

(b) Agreements entered into under this section may include: (1) the surrender to the Secretary for permanent cancellation of acreage allotments and base acreages then under the control of the farmer in return for cash consideration in an amount determined to be appropriate by the Secretary; (2) adjustment assistance not to exceed $2,500 per year for a period not to exceed two years; (3) retraining grants for the purpose of covering tuition and other costs incident to training programs designed to provide skills found by the Secretary to be consistent with employment opportunities.

(c) The Secretary shall, in achieving the objectives of this section, arrange for utilization to the maximum extent possible of existing Federal and State programs designed to provide grants, loans, and other assistance which will further facilitate this adjustment program.

(d) The Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this title.

TITLE VI—AUTHORITY OF THE COMMODITY CREDIT CORPORATION

SEC. 601. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this Act unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this Act. There are hereby authorized to be appropriated such sums as may be necessary to carry out the overall program provided for in this Act, including such amounts as may be required to make payments to the Corporation for its actual costs incurred or to be incurred in carrying out such program.

Mr. MATHIAS. Mr. President, I wish to respond to the generous remarks of the distinguished Senator from Illinois, the minority leader; to thank him for his reference to me; and to enlist under his banner both in the sponsorship and in the support of the proposed legislation.

Mr. President, the farmer is a heroic figure in our history, as the distinguished Senator from Nebraska well knows. Not only has the farmer cultivated the American land and fed and clothed our people; but in his vanguard role in the revolution against British rule—in his pioneering battles against the elements—and as a free man, making his way in the wilderness under spacious skies and possibilities—he shaped and inspired the American dream. On the open road West, celebrated by Walt Whitman, the farmer was the most important traveler.

Finally, the prairie schooners reached the coast, the land was occupied and America seemed to reach the end of its open road. But as a later American poet, Louis Simpson, wrote:

> The great cloud wagons move westward still, dreaming of a Pacific.

The dream that brought the pioneer West still moves us when we see white clouds billowing through an open country sky.

The American farmer, however, did not waste much time in daydreaming. Once again, as in our early history, he made a revolution. Though there was no shot heard around the world, the triumph of the American revolution in agriculture reverberates today a hope, held around the world, for an age of global abundance. The farmer's revolution in fact achieved improvements in efficiency and productivity exceeding even the industrial revolution.

Throughout our history, the American Government has helped to create the opportunities that American farmers have so gallantly exploited. The aid to railroads, the Homestead Act, the Soil Conservation and Extension Services, the land-grant colleges, the Farmers Home Administration all contributed significantly to his triumph over scarcity, and in recent years, as the farmer achieved new marvels of abundance, the Government has struggled—from one farm program to another—with the trials of his triumph. The inadequacy of the distribution system relative to rising productive capacity led to the imposition of an expensive apparatus of special restrictions and controls on American agriculture.

Thus the relationship between the farmer and Government changed. No longer was the Government an ally in the opening of new opportunities. It became a price manager, a commodity marketeer, an adviser, a policeman; it dispensed redtape as sticky as flypaper, and money which—to many recipients—seemed to compromise their independence, violate the imagery of the American dream.

Farmers were forced to look away from the land and the sky and to gaze instead, like gamblers at a slot machine, at the Great Stone Face of the Department of Agriculture. They paid their votes, listened to the mysterious political clacking of the subsidy mechanism, then waited to see what would turn up this time: Was there a payoff on wheat and feed grains? What was the special bonus for not growing grain sorghum? And was there still a jackpot for not growing cotton?

So the result of the agricultural revolution—and the increasing Government interventions accompanying it—was a harvest of paradoxes. Federal farm subsidies increased; and farmers grew poorer. Acreage restrictions were imposed to reduce production; and production expanded to break all records. Agricultural efficiency soared; and so did food prices. Every new farm bill was submitted with eulogies for the family farm; yet the exodus from the farms continues to originate chiefly on these small establishments and the viability of farming as a way of life, different from other business, is in jeopardy.

This year brought a further affront. With retail food prices higher than ever, the prices received by farmers for commodities covered by present legislation have fallen to levels relatively lower than those of the depression years of the 1930's. In fact, today's farm prices for wheat, cotton, and wool stand at less than one-half of parity, compared with 85 percent under the Eisenhower administration—that is, to less than one-half of the ratio that applied in 1914 between what farmers pay for what they purchase, and what they receive for what they produce. The cost-price squeeze has become a vice, steadily tightened, partly by Government policy.

But it is not only farmers who suffer from this program. The taxpayer is victimized too, as the distinguished Senator from Illinois has just stated. For the costs of the Government farm program are also at an alltime high. In the first 10 months of the current fiscal year, the Commodity Credit Corporation, the agency which pays for the programs authorized by the 1965 Food and Agriculture Act, has lost $3,311,644,000—a record for such a period, and CCC's stocks of commodities are growing, indicating greater costs in the future.

The financial burden of the current Government farm program is borne not only by our taxpayers. Even the poorest resident of the most depressed rural area—and the most deprived inhabitant of the poorest urban ghetto—must pay some 4 percent more for bread and cereal because of the current wheat certificate program. In fact, because the poor spend the largest percentages of their incomes on food, they pay proportionately more than any other segment of the population for these farm subsidies that chiefly benefit the richest farmers.

Thus a farm bill is a city concern. The metropolitan wage earner or housewife who never left the cement sidewalks to milk a cow in a frosty dawn or to take a lamb from a troubled ewe at midnight still have vital personal stakes in farm legislation. The old indifference of city legislators to agricultural problems is archaic. Hereafter, the urban Congressman who trades away his voice and vote on farm matters will do so at his peril. The city voter will have him in mind when he contemplates Federal tax withholding from his paycheck, and the shrinking power of his dollar at the grocery counters. Every American taxpayer is plowed and harrowed by the indiscriminant programs of the Department of Agriculture.

Our colleagues in the other body, as has been mentioned by the distinguished Senator from Florida (Mr. HOLLAND), indicated last month, when they voted to limit Government payments for individual farmers to $20,000, that the status quo is unacceptable to them. Many Members of this body would support a similar limitation on payments. But, as Secretary of Agriculture Hardin says, the time to consider such a proposal is when we are considering the entire farm program. And—despite the continuing failure of the Department of Agriculture to respond to rising pressures for change—the time to consider the entire farm program is now.

The bill which we have introduced today offers a better method of agricultural adjustment than have the Government supply management programs of the past.

It proposes a long-term land retirement program—the most efficient, most practical form of agricultural adjustment program.

It relates Government farm price support programs to the market.

And it provides for a phaseout and eventual elimination of the costly and ineffective direct payment programs which, as the recent action of the other body indicates, have become very controversial.

The first part of our bill deals with the economic problems of agriculture. The second part deals with the social problems. In the past we have tried to deal with the former while neglecting the latter. But now it is time for a change, and we must seek solutions to both.

The retraining, relocation, and loan programs which would be offered low-production, low-income farmers under the terms of our bill would open wide the door of opportunity for many low-income rural families who now receive no benefits from Government farm programs, but who must pay the higher food prices they often cause.

I ask Senators to join with us, the sponsors, in working for the enactment of this effective and fiscally responsible legislation. Now is the time to make needed changes in the Government farm program.

This legislation is designed to free farmers from the mortmain of Government controls and return them to the open road of American possibilities. For at the end of the open road today we do not find the promised land. We find a roadblock of bureaucracy. It is time now to reopen the American way of free agriculture.

(This marks the end of the proceedings which occurred during the consideration of the agriculture appropriation bill, and which were, by unanimous consent, ordered to be printed in the RECORD at this point.)

SENATE JOINT RESOLUTION 130—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO ISSUE ANNUAL PROCLAMATIONS CALLING UPON THE CHILDREN OF AMERICA TO CELEBRATE THE ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a joint resolution which would authorize and request the President to issue annual proclamations calling upon the children of America to celebrate the anniversary of the Declaration of Independence. A similar resolution is being introduced in the House of Representatives by Representative BOB DENNEY of Nebraska.

The means of celebration will be the holding of block parades, in which the children adopt the spirit and perhaps something of the dress of 1776. The children can decorate their bicycles and tricycles, and can make replicas of our first flag. Parades can be held on each block under adult supervision.

The idea came from Miss Hazel Wolfe of Lincoln, Nebr., whose letter is so outstanding that I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, it is particularly fitting for our children to celebrate the signing of the Declaration of Independence. Since the future of America will be entrusted to the young of today, we have a duty to instill in them a sense of the past. Heritage and tradition give strength and endurance to America. We must act to maintain the legacy. As President Nixon said in his Flag Day Proclamation:

> A flag is meant to be seen. Only when it is displayed does it stir us. Our ideals we can honor with our words and deeds; our flag must be honored by an essentially spiritual reaction to a visual stimulus.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD

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

The joint resolution (S.J. Res. 130) authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 130

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is thereby authorized and requested to issue each year a proclamation calling upon the children of the United States, as a part of the celebration of the anniversary of the Declaration of Independence, to participate in block parades in their local neighborhood at such time on the Fourth of July as the President may designate in such proclamation.

EXHIBIT 1

WHY NOT HAVE A BLOCK PARADE IN YOUR TOWN

(By Hazel Wolfe, Lincoln, Nebr.)

My friends call me the "Bell Lady". That is because I tried to and succeeded in getting the bells to ring at 12 noon on the Fourth of July. They rang for four minutes to remind everyone in Lincolnland of the first ringing of the Liberty Bell on that glorious day in 1776.

I liked to be called "Bell Lady". It sounded in a small way as good as "Bell Ringer"—and that is what I would like to have been that long ago day when the Liberty Bell was rung by the old bell ringer who stood with his hands on the dangling rope while his small grandson waited to bring the good news to him. I would like to have written that famous poem "Ring Grandfather, Ring", which will be remembered in history as long as our country lives.

I liked being called "Bell Lady", but it was the grown ups who called me that. It was the T.V. and radio directors who played the bell record for four minutes at noon on July Fourth. It was the musicians who played the chimes that rang that day in the beautiful church towers of our city; it was the old janitor who pulled the bell rope at one of the smaller churches; it was the organist at our University Carillon Tower who took time out of a busy schedule to have the bells repaired and ready to ring the Fourth. Also, it was the Warden of the Penitentiary who put the loud speaker on so all the prisoners could hear the radio bells; and also, it was the program director at the Veterans Hospital who arranged all the bedside radios to be on, explaining that her patients would appreciate the bell ringing more than anyone else. The residents of a retirement home for senior citizens called me "Bell Lady" too as they arranged a parade through the halls, each carrying a small flag while the bells rang.

But the children were taking no part in this celebration. The older people remember those long ago Fourth of July celebrations where every city and small town had a rousing celebration with firecrackers, parades, bands, patriotic speeches and family picnics.

Then the whole family, including the smallest child, lined the streets and watched the parade go by.

The parade was headed by "Old Glory" and a rousing band, an Uncle Sam on horseback, dozens of floats trimmed in red, white, and blue, and a beautiful girl dressed in a streaming white robe representing the Statue of Liberty; boys on bicycles, and beautiful ladies and gallant men on horses. They all headed for the fairgrounds when the orator of the day praised our country and its citi-

zens as the greatest liberty loving people in the whole world.

The grown ups today know what our country means. They have experienced several wars. But to the children, the Fourth means little, and it is the children we must educate.

It was a well planned program we had arranged for that Fourth of July, 1968. All the reports were in two weeks before the Fourth. Church bells would ring as well as the bells on our Carillon Tower; the T.V. and radio stations were ready with their program—and then I thought "What a beautiful *adult* program, but what are the children doing?" They had no part in the celebration. They should be in parades with decorated bicycles and floats. They are the ones who, in a few years, will be taking over the affairs of state. Why can't our children have a parade—a big parade down the main street of our city.

But again I thought. This is a city. It is not safe for children to parade. It's not safe for them to get down town. A parade would require a police permit, a police escort, some big organization to promote it, and the time was too short to organize one.

And then I had my big idea. Why not a parade at home—a Block Parade. The children could parade around their own block, right at home. There would be no streets to cross, no police escort, no parade permit. All it would take would be a Block Mother to organize it and kids. And there would be plenty of kids everywhere just "raring" to go. They had ten days to get ready. They could decorate their bicycles and tricycles. They could make paper hats and costumes. They could hunt up their drums and whistles and noisy makers of all kinds.

Again I called the T.V. and radio stations to advertise for us. I called the newspapers for publicity. The newspapers had a broader vision than I. One reporter said "We'll have hundreds of parades all over town." Another reporter said "We'll have a Block Parade in our block if only my three kids are in it"—and they did—not only his three kids but twenty others. His seven year old, on a decorated bicycle, headed the parade—and his little two year old pedaled her tricycle trailing at the end, and twenty other kids in between with drums, bells, noisy makers of any kind, in paper hats, costumes and each carrying a flag. The stores sold out all their flags (one store manager said "We'll be prepared next year.").

Neighbors lined the other side of the street with their transistor radios picking up the sound of the bells. Cameras clicked and children marched, beginning exactly at 12 noon.

One mother told me she worked till one o'clock making hats for her five little girls and one daddy made fifteen paper hats because he was afraid some child without any costume might come. "I haven't had so much fun since I was in kindergarten he told me." The hats he made were all used.

Newspaper photographers took pictures of several of the parades and the evening editions were filled with Block Parade pictures.

One T.V. station took a film of the youthful marchers and featured a "Block Parade" on the six o'clock and ten o'clock news.

The president of the Lincoln's Children Zoo decided they would have a parade at the zoo while the bells rang. The paraders had no Fourth of July costumes, but plenty of enthusiasm. On the loud speaker he called all the children in the zoo to come and line up. They were to parade past the fire bell and ring it one tap for each year they were old. The fire bell is rung by pulling a rope in the fire house. This fire house is a replica of an old time one. The children had no costumes, but they had plenty of enthusiasm.

Reporters at the Block Parades asked the young marchers why they were parading. One child answered "Because my daddy is in Vietnam"; another said "My teacher told us about the first Fourth and how they rang the Liberty Bell, and I want to celebrate the beginning of our country." One child had a flag with thirteen stars. "My mommy told us all about George Washington and Betsy Ross." The child continued, "I asked mommy why can't I have a flag like that?" His mother said, "You can. I'll make you one."

Next Fourth will be celebrated by many more Block Parades. One mother told me "Jimmy isn't old enough to be in a parade this year, but next year I'll have one in our block."

A grandmother said "My grandchildren are so far away, but I'll remember them by being Block Mother here in our block."

The program director of one radio station said "We'll announce Block Parades on the Network next year. Then we'll have them everywhere.

I hope every child will have an opportunity to be in a Block Parade next year. Won't you be a Block Mother and organize one for your block? It's so much fun. I know because I organized many in Lincolnland.

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately after approval of the Journal tomorrow, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for a period of not to exceed 1 hour.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of 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.

The message also announced that the House had passed, without amendment, the bill (S. 1010) for the relief of Mrs. Aili Kallio.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) to print additional copies of parts 1 and 2, thermal pollution, 1968 hearings.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM, 1970—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committe 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. 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 assistant legislative clerk read the report.

(For conference report, see House proceedings of June 30, 1969, page 17773, 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. MOSS. Mr. President, S. 1011 authorizes appropriations for fiscal year 1970 for the saline water conversion program which is administered by the Office of Saline Water in the Department of the Interior. The bill passed the Senate on March 24, substantially in accordance with the recommendations of the administration.

On May 14, the House of Representatives passed S. 1011 with an amendment. The amendment struck the language of the Senate bill and substituted a new text. The substantive differences in the two versions are as follows:

SECTION 1, SENATE BILL

HOUSE AMENDMENT

The House deleted this section of the Senate version which would further amend Section 8 of the Saline Water Conversion Act to clarify the Secretary's authority to cooperate with public or private agenices in foreign countries.

SECTION 2, SENATE BILL

HOUSE AMENDMENT

The House version reduced the authorized appropriation from $27 million to $25 million. It also limited the agency's reprograming authority to 10 percent instead of the 15 percent included in the Senate version.

DISCUSSION

The Senate version authorized appropriations of $27 million which had been requested by the administration and include in President Johnson's budget for fiscal year 1970. Subsequent to Senate passage of the bill, the new administration recommended a reduction to $26 million consistent with President Nixon's revised budget. The House version authorized only $25 million. The authorization is broken down as follows:

	Senate bill and original budget	Revised budget	House bill
Research and development	$18,095	$17,223	$16,223
Test beds and facilities	5,355	5,355	5,355
Conversion modules	1,450	1,450	1,450
Administration	2,100	1,972	1,972
Total	27,000	26,000	25,000

SECTION 3, SENATE BILL

Section 2 of the House bill is identical to section 3 of the Senate bill.

Mr. President, by letter of May 14 responding to an inquiry by the Interior and Insular Affairs Committee staff, and in testimony and reports presented to the committee, representatives of the Department stated that the provisions of the Senate bill relating to foreign activities and to 15 percent reprograming authority were of significant importance to the saline water program.

In an attachment to a letter dated May 14, the Department has described the value of foreign research contracts as follows:

Awards to foreign organizations are based upon either a unique concept or approach not offered by a domestic organization, or where the work is in the same area of technology as domestic proposals, award is based upon outstanding qualifications, i.e., the recognized international stature of the researcher involved. Because of the significance of the accomplishments that have resulted and in view of the limited number of contracts that have gone to foreign organizations, it is our opinion that the value returned far exceeds the cost and that this work is of significant benefit to the total OSW program.

In another attachment to the same letter the importance of increased reprograming authority was stressed as follows.

In a research activity designed to develop new methods and spur technological change such as the one carried out by OSW, the limitation on reprograming of 10% tends to hamper efficiency and effectiveness of operations. After the authorized 10% reprograming has been accomplished to meet program demands, additional unforeseeable changes may call for still further reprograming. This situation would require that program operations be curtailed or that additional legislation be sought to authorize further reprograming. This has been experienced particularly in the operation, maintenance, and modification of test beds and test facilities—areas in which the results of research are put to the test of practicability.

In still later correspondence, dated May 16 and June 3, the Department urged restoration of $1 million to the House bill which would provide authorization of the amount requested in the revised fiscal year 1970 budget.

When Senate and House conferees met on June 3, however, the managers on the part of the House stated that they had been advised by the Department that the House language restricting foreign activities and reprograming authority was acceptable. Upon further inquiry by the Senate committee, this new departmental position was confirmed by letter of June 23.

Mr. President, I ask unanimous consent that the full text of the Department's letters to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MOSS. Mr. President, in view of the Department's current position on this legislation, the Senate conference committee recommends that the Senate accept the conference report which provides that the amount of appropriations authorized in the House amendment to S. 1011 be increased by $1 million to provide authorization of the amounts requested in the revised fiscal year 1970 budget request for the Office of Saline Water which is now under consideration by the Appropriations Committee.

Mr. President, I move adoption of the conference report.

The conference report was agreed to.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 14, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to an oral request of May 12 from your staff assistant for information regarding S. 1011, a bill "To authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes," which passed the Senate on May 24, and was ordered reported favorably, with amendments on May 7, by the House Committee on Interior and Insular Affairs.

In addition to our report of March 10 to your Committee on the bill, I would refer for your information the following enclosed documents:

1. Letter of April 23, 1969, to the Chairman, House Committee on Interior and Insular Affairs, which expresses the views of the Department on S. 1011 and a similar bill, H.R. 6716.

2. Statement entitled "Foreign Research Program" which has been furnished to the House Interior Committee as well.

3. Statement regarding the effects of the present statutory 10% limit on reprogramming among the four categories in the saline water program, which also has been furnished to the House Interior Committee.

We would be pleased to furnish any further information you may require.

Sincerely yours,

FRANK A. BRACKEN,
Legislative Counsel.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 23, 1969.

HON. WAYNE N. ASPINALL
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 6716, a bill "To authorize appropriations for the saline water conversion program for fiscal year 1970." Since your request, a similar bill, S. 1011 passed the Senate on March 24, 1969. Our comments also cover that bill as well.

We recommend enactment of S. 1011 as passed by the Senate, with the amendments suggested herein.

The bills would authorize appropriations of $27 million for fiscal year 1970 to carry out the saline water conversion program. They also would amend the Saline Water Conversion Act, as amended, to increase the present limit on reprogramming from 10 to 15 percent.

In addition, S. 1011, as passed by the Senate, would clarify section 8 of the Act, in consonance with the legislative history, to exempt specifically the activities authorized under section 3 of the Act from the ban in section 8 on the use of funds for any new commitments in foreign countries after July 1, 1968.

During fiscal year 1969, the Department has been operating under the restriction on foreign activities imposed by Public Law 90-297, as explained in the legislative history (H. Rept. No. 1247, 90th Cong., 2nd sess. 3 (1968)). Under this authority, we attended several international conferences relating to saline water conversion and exchanged technical information with foreign countries, all in furtherance of the objectives of the Act. However, in light of the language of section 8 and the legislative history cited, we have not concluded any new contracts or agreements with public or private persons or agencies in foreign countries, including research study contracts and agreements.

Without the clarifying change which the Senate-passed S. 1011 would make in section 8, our authority for certain activities will continue to be unclear, for example, for research study contracts and grants—even follow-up efforts to productive contracts and grants concluded before July 1, 1968—with educational and other institutions abroad which have valuable knowledge and skills to contribute to the program. Therefore, we believe the change which S. 1011 would make in section 8 is necessary and we recommend its adoption. Even under the Senate language, we could not enter into any agreements to act as an agent or provide supervision for construction or operation of foreign production desalting plants. We believe that the Senate bill adequately clarifies our authority, while, at the same time, carrying out the objective and intent of the 1968 amendment.

We have, as part of the President's general budget review, reviewed the authorization contained in the bills, and, as a result, recommend an adjusted total saline water program of $26,000,000. This would be achieved by reducing the program category (1), "research and development operating expenses" from $18,095,000 to $17,223,000, and category (4), "administration and coordination" from $2,100,000 to $1,972,000.

We recommend the following amendments to the Senate-passed bill:

1. On page 2, line 6, change the figure "$27,000,000" to "$26,000,000".

2. On page 2, line 9, change the figure "$18,095,000" to "$17,223,000".

3. On page 2, line 18, change the figure "$2,100,000" to "$1,972,000".

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there would be no objection to enactment of this legislation if amended in the manner recommended above.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary of the Interior.

FOREIGN RESEARCH PROGRAM

This statement presents the basis, procedures, and some results from OSW contracts with foreign universities and institutions. In considering this segment of the OSW program, it should be recognized that:

a. No country has a monopoly on scientific talent and some foreign scientists and institutions may be superior in selected areas;

b. Overseas research groups and scientists are recognized especially in the field of basic research; and

c. An important scientific contribution is of value to the U.S. desalting program far beyond the monetary consideration involved.

At the present time, the OSW research organization has several active foreign contracts. The significant achievements from the foreign contracts to the present date are as follows:

a. Research Institute, Inveresk, Midlothian, Scotland, has produced a theoretical explanation of the reverse osmosis process and a process for preparing cellulose acetate membranes which has been patented and assigned to the U.S. Government (Patent No. 3,412,184)—Total Cost $31,812

b. The Weizmann Institute of Science, Rehovoth, Israel, was the codiscoverer of the new separation process, "pressure dialysis." This new process is a fundamental improvement in separations technology and is considered to have great potential for future desalting applications—Total Cost $127,750

c. The University of Aberdeen, Scotland, has contributed supporting work for the pressure dialysis process and has established its technical requirements—Total Cost $39,628

d. The Hebrew University, Jerusalem, Israel, has developed reverse osmosis membranes capable of selective separation of sodium and potassium ions. This contribution paves the way for more effective treatment of polluted waters—Total Cost $33,374

e. The University of Waterloo, Ontario, Canada, and the Negev Institute, Beersheva, Israel, have contributed to the theoretical understanding of the liquid state and of the factors responsible for the fouling of electrodialysis membranes—Total Cost $83,873

Research contracts to foreign institutions are awarded on a very selective basis. Essentially all of the basic and most of the applied research activities result from the receipt of unsolicited proposals. As a result of the wide dissemination of our research and development publications in scientific journals, participation in symposia and technical conferences, research organizations are made aware of our program activities on a current basis and are thus in a position to submit unsolicited proposals offering new ideas and new approaches to solve outstanding problems. These proposals number over 400 annually. All such proposals are reviewed critically as to their technical and scientific merit, significance to the OSW program, the qualifications of the proposer, the capability and experience of the organization, and the total cost. Awards to foreign organizations are based upon either a unique concept or approach not offered by a domestic organization, or where the work is in the same area of technology as domestic proposals, award is based upon outstanding qualifications, i.e., the recognized international stature of the researcher involved. Because of the significance of the accomplishments that have resulted and in view of the limited number of contracts that have gone to foreign organizations, it is our opinion that the value returned far exceeds the cost and that this work is of significant benefit to the total OSW program.

OFFICE OF SALINE WATER: MAJOR REPROGRAMING ACTIONS

In a research activity designed to develop new methods and spur technological change such as the one carried out by OSW, the limitation on reprograming of 10% tends to hamper efficiency and effectiveness of operations. After the authorized 10% reprograming has been accomplished to meet program demands, additional unforeseeable changes may call for still further reprograming. This situation would require that program operations be curtailed or that additional legislation be sought to authorize further reprograming. This has been experienced particularly in the operation, maintenance and modification of test beds and test facilities—areas in which the results of research are put to the test of practicability.

The amount authorized for test beds and test facilities in 1968 was $4,298,000. With the addition of $430,000 under the 10% reprograming limitation, the total amount that could be obligated was $4,728,000. Of that total, $2,045,000 was the estimated cost of hardware, $1,200,000 was for fixed services (such as utilities and chemical supplies), and $1,483,000 was for maintenance and operating costs. The existing reprograming authority was pushed to the full limit of $4,728,000 by increased cost of utility services to sustain and exploit successful operation at several test locations in FY 1968 and by higher than estimated bids for modification and construction work.

Previously, in FY 1968, it had been planned (1) to modify the Clair Engle Plant at San Diego, California, by addition of the 1–A (high temperature) Effect, (2) construct the Brackish Water Test Center (BWTC) at Roswell, New Mexico, and (3) construct the Materials Test Center (MTC) at Freeport, Texas. Due to the increased fuel costs and other reprograming action taken to obtain full benefit for the research program and the programing limit of 10%, modification of the Clair Engle plant was delayed to FY 1969. However, procurement action was initiated on the BWTC and the MTC. When bids were received on the BWTC late in FY 1968, it was determined that construction cost had exceeded the original estimates and that to proceed with the planned construction would have resulted in obligations in excess of the maximum allowable, including 10% reprograming, for this activity. This necessitated delaying of the BWTC to FY 1969 also. It was too late to reinstate the Clair Engle modifications through use of the funds saved by delay of the BWTC. It was also too late to obtain specific authorization to exceed the 10% limit and proceed with the BWTC. Therefore, an unobligated balance of $784,000 was carried over into FY 1969 in the test bed and test facility category.

The amount authorized for this activity for FY 1969 ($4,292,000) plus the maximum reprogramming authority ($429,200) and the unobligated carryover from 1968 ($784,000) together with $300,000 planned for second phase modifications to the BWTC but unneeded due to the delay in FY 1968, will allow for construction in FY 1969 of the BWTC and the Clair Engle Plant modifications.

At the present time, further reprogramming in FY 1969 within this activity would be limited to approximately $40,000, of the $429,200 originally available. This amount may not be adequate to allow for any unforeseen cost increases. Any such increases totalling over $40,000 would require the cancellation or delay of some activity.

Inability to reprogram to a greater extent has delayed the modification of field facilities needed to accommodate such test programs as the high temperature multi-effect multistage (MEMS) flash effect, membrane development programs, reverse osmosis pump development, and important testing of brackish water pilot plants. Development contracts currently in effect are being held up pending the availability of these facilities. Accordingly, a well-planned step-by-step development program is being thrown out of phase.

[Fiscal years]

Program	Planned	Accomplished
Modification Clair Engle plant (1–A effect)	1968	1969
Brackish water test center	1968	1969
Modifications BWTC	1969	[1] 1970

[1] Planned.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 3, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN JACKSON: The House Interior and Insular Affairs Committee recently authorized $25 million for the Office of Saline Water's program for FY 1970. This is a reduction of $1 million from the $26 million authorized by the Senate Committee and over $700 thousand less than was authorized in FY 1969.

It is hereby requested that the full $1 million be restored in the joint conference between conferees of the Senate and House Committees. I feel it is of the utmost importance to maintain this program at its present level. Any reduction will seriously impair the program that has the greatest possibilities for solving our present and future water shortage problems. The need is already showing up in areas of the east coast, the west coast and gulf states, as well as the inland western states and the southwestern states that are fresh water short. In addition, every day shows additional potential uses for the processes developed through this program, in recycling and reusing waste water as well as its contributions to many manufacturing and food processing operations.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 23, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on the House and Senate versions of S. 1011, the bill "To authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes," which is now in conference. This supplements our letter of June 3, signed by Assistant Secretary Carl L. Klein, which requested that the fiscal year 1970 saline water program authorization be maintained at $26 million.

Enactment of the House version of S. 1011 would result in continuation of the existing restriction on foreign research. However, we are taking immediate action to further intensify our effort to identify competent United States researchers in those areas where foreign research effort has provided the necessary information in the past. We believe that this effort will prove fruitful. Therefore, it is felt that the continuation of the present restriction on foreign activity would not severely affect the program at this time.

The House version of the bill would continue the authority to reprogram among activities at the 10 percent level, while the Senate version would raise this figure to 15 percent. During the past several weeks, several procurement actions in the Test Bed and Test Facility Program (Category II) have been negotiated at a figure less than the original estimate. These actions have provided additional funding flexibility to cover contingencies in this area. Operation and maintenance contracts for test beds and test facilities will be funded for incremental periods of less than a year, thereby increasing reprogramming flexibility to some extent. Also, if the $1 million proposed House reduction is restored, the need for the increase in reprogramming authority will not be as critical as originally envisioned. Therefore, the proposed House language retaining reprogramming authority at the 10 percent level is acceptable at this time.

Once again we urge your support for the full $26 million appropriation authorization requested by the Administration.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C. May 16, 1969.

Re: Fiscal Year 1970 saline water program.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to an oral request from your staff for information regarding the potential effect of the $1,000,000 reduction from the Department's proposed $26,000,000 program. The enclosed information has been prepared and reviewed by the responsible program officials.

We would be pleased to furnish any additional information you may require.

Sincerely yours,

FRANK A. BRACKEN,
Legislative Counsel.

OFFICE OF SALINE WATER: EFFECT OF $1,000,000 REDUCTION FISCAL YEAR 1970 AUTHORIZATION REQUEST

A reduction of $1,000,000 in Research & Development Operating Expenses, Activity I, will necessitate the reprogramming of $150,000 from the Test Beds and Test Facilities area, Activity II, into the R&D area. The result therefore is a net reduction of $850,000 in the R&D area and a $150,000 reduction in the Test Beds and Test Facilities area.

The effect of this reduction will be as follows:

RESEARCH AND DEVELOPMENT—$850,000

Membranes—$400,000. This reduction in the membrane program in the Engineering & Development area will be met through a stretch-out of selected development programs. In particular, the effort in the evaluation of reliability and accuracy of instrumentation systems for reverse osmosis plants; the development testing of the electrosorption-desorption process in the field; the development of techniques for producing tubular reverse osmosis membrane components for seawater desalination; and the evaluation of new membrane support materials will be stretched out in time. *This will mean that the goals originally established for these process areas for FY 1970 will not be met and that there will be a delay in obtaining test data on new and promising techniques, in improving plant reliability and maintainability, and obtaining, necessary data for improving system economics.* Additionally, the engineering and development field work on ultra-thin membranes will not be carried out in FY 1970. These membranes are directed toward high flux applications and should yield membrane costs less than that of those presently used. A number of techniques are now under investigation to fabricate such membranes but it will not be possible to evaluate membrane integrity and performance in field tests with the deletion of this effort in FY 1970.

Crystallization—$300,000. It was originally planned in FY 1970 to design, construct, and operate a vacuum freezing-ejector absorption pilot plant. The total program originally called for $610,000, which would have carried the program into FY 1971. By delaying this program and only funding the design and procurement of long lead time items such as pumps, special ejectors, and absorbers, a reduction of $300,000 has been made. *It should be understood, however, that with this reduction construction of the basic plant cannot be initiated until FY 1971, thus resulting in a minimum of six months' delay in the program.* This process, when developed, will allow scale-up to very large plant sizes without the present limitations of mechanical compression with the added advantage of using low-cost materials. It should yield system economics which are competitive with distillation systems, therefore the program should be conducted as soon as possible.

Desalting Feasibility & Economic Studies—$75,000 (U.S./Mexico Study). Originally, $150,000 had been programmed for possible completion of the U.S./Mexico Study. This Study called for determination of both the technical and economic feasibility of large-scale desalting plants to provide water for portions of the Mexican States of Baja California and Sonora and the States of Arizona and California in the United States. Although the first phase of the Study determined technical feasibility, the economic feasibility was not established. Of this amount, $75,000 has been deleted and the balance has been reprogrammed for other feasibility studies directed toward meeting U.S. water demands.

Program Analysis—$25,000. This reduction will delay or curtail necessary program activities in FY 1970. This will also cause delays in the development of logical methodology needed for future OSW planning purposes. The specific areas to be effected by the reduction are the studies involving the accumulation of basic data and in supporting computer services, which are needed to develop long-range plans and to maintain optimum program balance.

Field Support and Engineering Studies—$50,000. This reduction will delay the starting of studies designed to evaluate and incorporate plant operating data (regarding the operation and performance characteristics of plant equipment), for use in the design of plants incorporating the latest "state of the art." It is essential that feedback from plant operation be reflected in future analysis and design.

TEST BEDS AND TEST FACILITIES—$150,000

Roswell Test Bed Plant—$50,000. This reduction will necessitate the partial funding only of the contract for operation and maintenance of the test bed plant. Normally these contracts are made for a one-year period. Due to this reduction, the contract will cover only a portion of a year.

Freeport Test Bed Plant—$100,000. *This reduction will eliminate all the flexibility available to cover any unforeseen or emergency costs normally associated with the rehabilitatiton and operation of a test bed plant.* This means that if the final bid prices exceed the current estimates the modifications needed to further advance the "state of the art" relative to the vertical tube evaporator process must either be curtailed or further reprogramming action will be necessary at the expense of other areas of the program.

ORDER FOR RECOGNITION OF SENATOR McGOVERN FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the end of the time allotted to the Senator from Mississippi (Mr. STENNIS) for an address to the Senate tomorrow, the distinguished Senator from South Dakota (Mr. McGOVERN) be permitted to address the Senate for a period not to exceed 45 minutes.

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 2, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, July 1, 1969:

U.S. ATTORNEY

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years, vice K. Edwin Applegate.

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York for the term of 4 years, vice John T. Curtin, resigned.

U.S. MARSHAL

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years, vice Rex B. Hawks.

Farley E. Mogan, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years, vice Eugene G. Hulett.

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia for the term of 4 years, vice Luke C. Moore.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 1, 1969:

U.S. AIR FORCE

The following officers to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10 of the United State Code:

In the grade of general

Gen. Howell M. Estes, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.

Gen. Raymond J. Reeves, [redacted] (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Lt. Gen. Keith K. Compton, [redacted] (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Stanley J. Donovan, [redacted] (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Robert A. Breitweiser, [redacted] (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Charles H. Terhune, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Harry P. Mahin
David P. Osborne
Herbert G. Stoecklein

SUPPLY CORPS

John A. Scott
Vincent A. Lascara
Edwin E. McMorries

CHAPLAIN CORPS

Francis L. Garrett

CIVIL ENGINEER CORPS

Albert R. Marschall

DENTAL CORPS

John P. Arthur

IN THE AIR FORCE

The nominations beginning Donald D. Adams, to be colonel, and ending Francis S. Smith, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 16, 1969.